

EIGHT-HOURS BILL.

SCHEDULE of the Amendments referred to in Message of 15th December, 1915.

- Page 2. *After* clause 1 *insert* new clause 2.
- Page 2, clause 3. 4, line 25. *After* "days" *insert* "except in the case of those engaged in continuous
"process work"
- Page 2, clause 3. 4, line 28. *Omit* "six" *insert* "fourteen"
- Page 2, clause 3. 4, line 29. *Omit* "forty-eight" *insert* "ninety-six"
- Page 2, clause 3. 4, line 31. *Omit* "forty-four" *insert* "eighty-eight"
- Page 2, clause 3. 4. At end of paragraph (a) *add* "except in cases of accident, emergency, or other
"unavoidable contingency"
- Page 2, clause 3. 4, line 41. *Omit* "and" *insert* "or"
- Page 3, clause 3. 4, line 2. *Omit* "upon any day" *insert* "during any shift"
- Page 3, clause 3. 4, line 3. *Omit* "day" *insert* "shift"
- Page 3, clause 3. 4, line 5. *After* "eighty" *insert* "two"
- Page 3, clause 3. 4 At end of paragraph (b) *add* "It shall not be deemed to be a contravention of any
"provision of this paragraph, if in the case of mines where the underground employees
"are lowered or raised by mechanical means the working time be reckoned from the
"time the last employee in the shift leaves the surface to the time the first employee in
"the shift returns to the surface";
- Page 3, clause 3. 4. *Omit* paragraphs (c) and (d) *insert* new paragraph (c)
- Page 4, clause 3. 4, paragraph (e d), line 1. *After* "may" *omit* to end of paragraph *insert* "for any good and
"sufficient reason prohibit or restrict the working of overtime in any industry or
"calling";
- Page 4, clause 3. 4, paragraph (f). *Omit* paragraph, *insert* new paragraph (e).
- Page 4, clause 3. 4, paragraph (g). *Omit* paragraph (g).
- Page 5, clause 3. 4, subclause (2), lines 3, 4, and 5. *Omit* "callings, and subject to such conditions as
"may be thought proper to impose" *insert* "sections of industries";
- Page 5, clause 5. 6, line 17. *Before* "the" *insert* "But"
-

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. MOWLF,
Acting Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 9 November, 1915.

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

W. L. S. COOPER,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 15th December, 1915.

New South Wales.



ANNO SEXTO

GEORGII V REGIS.

Act No. , 1915.

An Act to regulate the hours of work in certain industries, and the payment of overtime; to further regulate the making, varying, and amending of awards and industrial agreements; to amend the Industrial Arbitration Act, 1912, and certain other Acts; and for other purposes.

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:—

34113

458—A

1.

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

Eight-hours.

1. This Act may be cited as the "Eight-hours Act, 1915." It shall be construed with the Industrial Arbitration Act, 1912, hereinafter referred to as "the Principal Act." Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

"Continuous process industry" means any industry or any branch thereof in which one hundred and twenty hours or more per week are worked.

"Overtime" means—

- (a) time worked in excess of the days or hours limited by this Act; or
- (b) time worked on any day before the fixed or recognised times of starting or after the fixed or recognised times of leaving off work on such day in any industry or calling or by any class or shift employed in any industry or calling.

3. The principal Act, and this Act, shall bind the Crown, and be construed as having reference to the direct and all other employees of the Crown. Act to bind Crown.

4. (1) The following directions shall be observed by the court and the boards in making awards, and by the parties in making industrial agreements :— Directions to be observed by the court and by boards.

- (a) Employees shall not be worked on more than six out of seven consecutive days, except in the case of those engaged in continuous process work, and the time worked by them within any period of six fourteen consecutive days shall not exceed ~~forty-eight~~ ninety-six hours, or in the case of underground workers in metalliferous mines ~~forty-four~~ eighty-eight hours, except in cases of accident, emergency, or other unavoidable contingency.

Provided that—

- (b) the working time of employees in underground occupations, or occupations in which the conditions as to temperature, ventilation, lighting, and limitation of approaches are similar to those obtaining in underground occupations, shall include permitted intermissions for rest and or meals, shall be reckoned from bank

Eight-hours.

bank to bank, and shall not exceed six hours
~~upon any day during any shift,~~ if for four hours
of such day shift the temperature of the place
where the employee is occupied shall have
exceeded eighty-two degrees Fahrenheit ther-
mometer, using a wet bulb. It shall not be
deemed to be a contravention of any provision
of this paragraph, if in the case of mines
where the underground employees are lowered
or raised by mechanical means the working
time be reckoned from the time the last
employee in the shift leaves the surface to the
time the first employee in the shift returns to
the surface;

(c) intermissions for rest, other than "smoke-oh's",
and for meals, in any day on which eight and
three quarter hours, or less, are worked, shall
not exceed a total of one hour;

(d) overtime, that is time worked in excess of the
days or hours above limited, or before or
after the fixed or recognised times of starting
or leaving off work in any industry or calling
or where the provisions of subsection (g) of this
section have been applied in excess of the greater
number of days or hours fixed by virtue of
such subsection, may be permitted by the terms
of any award or industrial agreement at a rate
of payment therefor of not less than double time
in any industry or calling in or in connection
with which more than one shift per day is
worked or not less than time and a half in any
other industry or calling;

(e) overtime may be permitted by the terms of
any award or industrial agreement and shall
be paid at a rate to be fixed by the court, or
the board, or by an industrial agreement:

Provided that necessary overhauling or re-
pair work in mines which is carried on before or
after the fixed or recognised hours for starting
or leaving off work shall not on that account
be deemed overtime.

(e d)

Eight-hours.

- (e d) the court may by award from time to time, for the purpose of distributing the work available in an industry or calling so as to relieve unemployment, or for any other purpose which appears to the court to be good and sufficient, prohibit or restrict to any extent the working of overtime in any industry or calling; for any good and sufficient reason prohibit or restrict the working of overtime in any industry or calling;
- 5
- (f) the court shall upon the application of an industrial union make an award prohibiting the working of overtime in any industry or calling in which the working of overtime is not permitted as aforesaid, but nothing herein shall prevent the amendment or making of any award so as to permit the working of overtime;
- 10
- (e) the number of days or hours to be worked in any industry or calling, or in any branch or shift thereof, may be increased beyond those limited in subsection (a) by award if the court or board consider that in the interest of the industry or calling or in the public interest such increase should be allowed.
- 15
- (g) a greater number of days or hours or intermissions greater than above limited may be fixed by award if the court or board certifies that for reasons of paramount public interest such greater number of days or hours or greater intermissions should be worked or allowed in the industry or calling;
- 20
- (h f) subject to the last paragraph, where in any industry or calling the ordinary time of work is at the commencement of this Act fixed by award or industrial agreement or by well established practice in the industry or calling, such time shall not be exceeded in any award or industrial agreement made after such commencement in respect of such industry or calling.
- 25
- 30
- 35
- 40 (2) The Governor may, from time to time, by proclamation in the Gazette, suspend for any time during the

Eight-hours.

the war with Germany and her allies now being waged, the whole or any of the provisions of this section, either generally or limited to specified industries or callings, and subject to such conditions as may be thought proper **5** to impose sections of industries; and may in like manner rescind or amend any such proclamation.

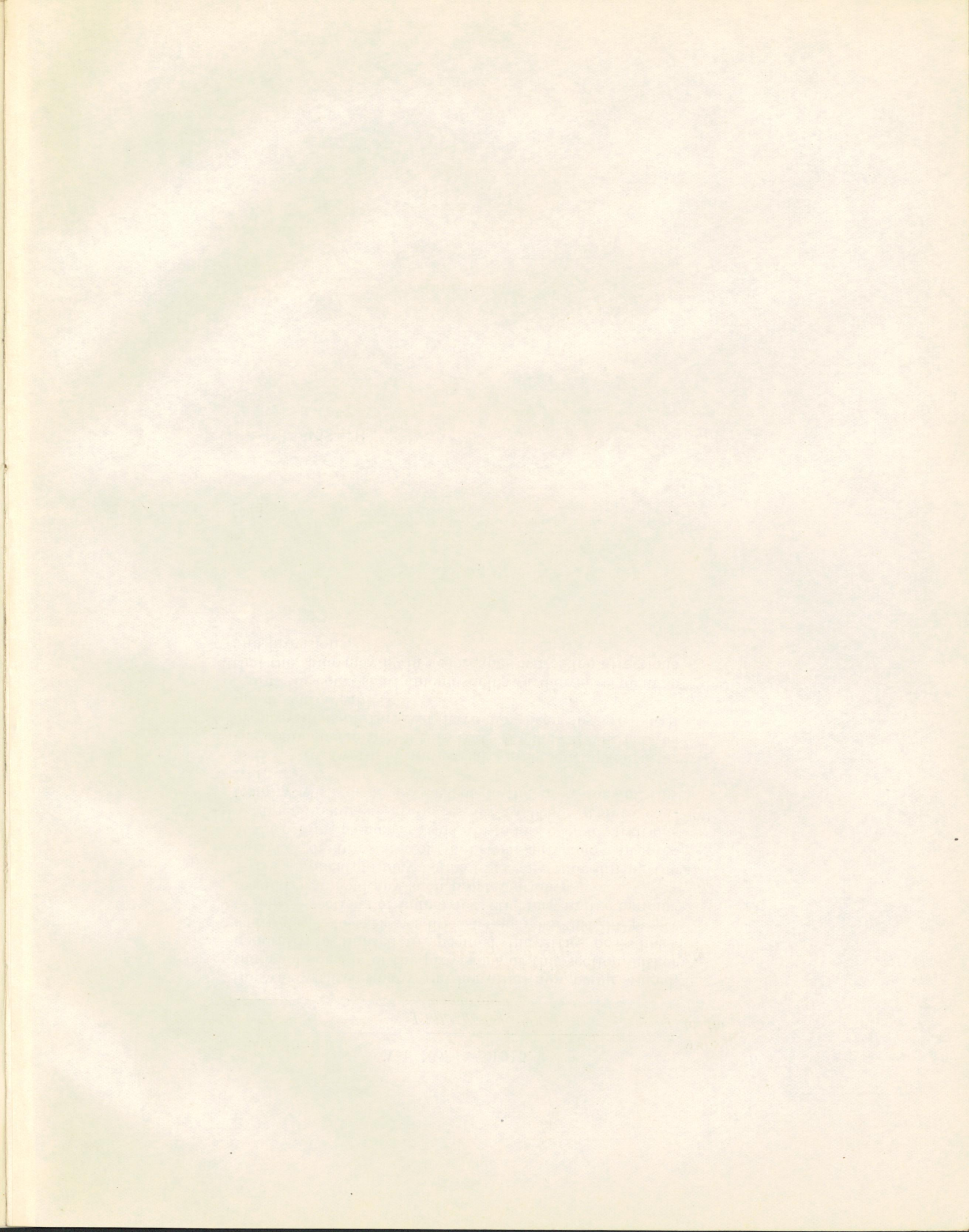
4. 5. Application may be made at any time during the currency of an award or industrial agreement in force at the commencement of this Act to make such variations **10** or amendments as are necessary to bring it into conformity with or to give effect to the provisions of this Act.

Applications to vary existing awards or agreements.

5. 6. Any award or industrial agreement made after the commencement of this Act in which the directions **15** or provisions of this Act have not been observed shall not be enforceable.

Where award or industrial agreement is not in accordance with this Act.

But the court shall amend such award or agreement so that the same may be in accordance with such directions and provisions.



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,
Acting Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 9 November, 1915.

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

W. L. S. COOPER,
Clerk of the Parliaments.
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Sydney, 15th December, 1915.

New South Wales.



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Eight-hours.

1. This Act may be cited as the "Eight-hours Act, Short title. 1915." It shall be construed with the Industrial Arbitration Act, 1912, hereinafter referred to as "the Principal Act."

5 2. In this Act, unless the context otherwise requires,— Definitions.

"Continuous process industry" means any industry or any branch thereof in which one hundred and twenty hours or more per week are worked.

"Overtime" means—

- 10 (a) time worked in excess of the days or hours limited by this Act; or
- (b) time worked on any day before the fixed or recognised times of starting or after the fixed or recognised times of leaving off work on such day in any industry or calling or by
- 15 any class or shift employed in any industry or calling.

2- 3. The principal Act, and this Act, shall bind the Act to bind Crown, and be construed as having reference to the Crown.

20 direct and all other employees of the Crown.

3- 4. (1) The following directions shall be observed by Directions to the court and the boards in making awards, and by the be observed parties in making industrial agreements :— by the court

- 25 (a) Employees shall not be worked on more than six out of seven consecutive days, except in the case of those engaged in continuous process work, and the time worked by them within any period of ~~six~~ ~~fourteen~~ ~~consecutive~~ ~~days~~ shall not exceed ~~forty-eight~~ ~~ninety-six~~ hours, or in
- 30 the case of underground workers in metalliferous mines ~~forty-four~~ ~~eighty-eight~~ hours, except in cases of accident, emergency, or other unavoidable contingency.

Provided that—

- 35 (b) the working time of employees in underground occupations, or occupations in which the conditions as to temperature, ventilation, lighting, and limitation of approaches are similar to those obtaining in underground occupations, shall include permitted intermissions for rest ~~and~~ or meals, shall be reckoned from
- 40 bank

Eight-hours.

5 bank to bank, and shall not exceed six hours
upon any day during any shift, if for four hours
of such day shift the temperature of the place
where the employee is occupied shall have
exceeded eighty-two degrees Fahrenheit ther-
mometer, using a wet bulb. It shall not be
deemed to be a contravention of any provision
of this paragraph, if in the case of mines
10 where the underground employees are lowered
or raised by mechanical means the working
time be reckoned from the time the last
employee in the shift leaves the surface to the
time the first employee in the shift returns to
the surface;

15 (c) intermissions for rest, other than "smoke-oh's",
and for meals, in any day on which eight and
three quarter hours, or less, are worked, shall
not exceed a total of one hour;

20 (d) overtime, that is time worked in excess of the
days or hours above limited, or before or
after the fixed or recognised times of starting
or leaving off work in any industry or calling
or where the provisions of subsection (g) of this
25 section have been applied in excess of the greater
number of days or hours fixed by virtue of
such subsection, may be permitted by the terms
of any award or industrial agreement at a rate
of payment therefor of not less than double time
30 in any industry or calling in or in connection
with which more than one shift per day is
worked or not less than time and a half in any
other industry or calling;

35 (c) overtime may be permitted by the terms of
any award or industrial agreement and shall
be paid at a rate to be fixed by the court, or
the board, or by an industrial agreement:

40 Provided that necessary overhauling or re-
pair work in mines which is carried on before or
after the fixed or recognised hours for starting
or leaving off work shall not on that account
be deemed overtime.

(e d)

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- 5 (e d) the court may ~~by award from time to time, for~~
the purpose of distributing the work available
in an industry or calling so as to relieve unem-
ployment, or for any other purpose which
appears to the court to be good and sufficient,
prohibit or restrict to any extent the working
of overtime in any industry or calling; for any
good and sufficient reason prohibit or restrict the
working of overtime in any industry or calling;
- 10 (f) the court shall upon the application of an
industrial union make an award prohibiting
the working of overtime in any industry or
calling in which the working of overtime is not
permitted as aforesaid, but nothing herein
15 shall prevent the amendment or making of any
award so as to permit the working of overtime;
- (e) the number of days or hours to be worked in
any industry or calling, or in any branch or
20 shift thereof, may be increased beyond those
limited in subsection (a) by award if the court
or board consider that in the interest of the
industry or calling or in the public interest
such increase should be allowed.
- 25 (g) a greater number of days or hours or inter-
missions greater than above limited may be
fixed by award if the court or board certifies
that for reasons of paramount public interest
such greater number of days or hours or greater
intermissions should be worked or allowed in
30 the industry or calling;
- (h f) subject to the last paragraph, where in any
industry or calling the ordinary time of work
is at the commencement of this Act fixed by
award or industrial agreement or by well
35 established practice in the industry or calling,
such time shall not be exceeded in any award
or industrial agreement made after such com-
mencement in respect of such industry or
calling.
- 40 (2) The Governor may, from time to time, by
proclamation in the Gazette, suspend for any time during
the

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the war with Germany and her allies now being waged, the whole or any of the provisions of this section, either generally or limited to specified industries or callings, and subject to such conditions as may be thought proper **5** to impose sections of industries; and may in like manner rescind or amend any such proclamation.

4. 5. Application may be made at any time during the currency of an award or industrial agreement in force at the commencement of this Act to make such variations **10** or amendments as are necessary to bring it into conformity with or to give effect to the provisions of this Act.

Applications to vary existing awards or agreements.

5. 6. Any award or industrial agreement made after the commencement of this Act in which the directions **15** or provisions of this Act have not been observed shall not be enforceable.

Where award or industrial agreement is not in accordance with this Act.

But the court shall amend such award or agreement so that the same may be in accordance with such directions and provisions.

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,
Acting Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 9 November, 1915.

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

Clerk of the Parliaments.
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New South Wales.



ANNO SEXTO

GEORGII V REGIS.

Act No. , 1915.

An Act to regulate the hours of work in certain industries, and the payment of overtime ; to further regulate the making, varying, and amending of awards and industrial agreements ; to amend the Industrial Arbitration Act, 1912, and certain other Acts ; and for other purposes.

(As amended and agreed to in Committee of the Whole Council.)

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 :—

34113 458— 1.

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

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1. This Act may be cited as the "Eight-hours Act, 1915." It shall be construed with the Industrial Arbitration Act, 1912, hereinafter referred to as "the Principal Act."

Short title.

2. The principal Act, and this Act, shall bind the Crown, and be construed as having reference to the direct and all other employees of the Crown.

Act to bind Crown.

3. (1) The following directions shall be observed by the court and the boards in making awards, and by the parties in making industrial agreements :—

Directions to be observed by the court and by boards.

(a) Employees shall not be worked on more than six out of seven consecutive days, **except in the case of those engaged in continuous process work**, and the time worked by them within any period of ~~six~~ **fourteen** consecutive days shall not exceed ~~forty-eight~~ **ninety-six** hours, or in the case of underground workers in metalliferous mines ~~forty-four~~ **eighty-eight** hours, **except in cases of accident, emergency, or other unavoidable contingency.**

Provided that—

(b) the working time of employees in underground occupations, or occupations in which the conditions as to temperature, ventilation, lighting, and limitation of approaches are similar to those obtaining in underground occupations, shall include permitted intermissions for rest ~~and~~ or meals, shall be reckoned from bank to bank, and shall not exceed six hours ~~upon any day~~ **during any shift**, if for four hours of such ~~day~~ **shift** the temperature of the place where the employee is occupied shall have exceeded eighty two degrees Fahrenheit thermometer, using a wet bulb ;

(c) intermissions for rest, other than "smoke-oh's", and for meals, in any day on which eight and three quarter hours, or less, are worked, shall not exceed a total of one hour ;

(d) overtime, that is time worked in excess of the days or hours above limited, or before or after the fixed or recognised times of starting
or

40

Eight-hours.

5 or leaving off work in any industry or calling
 or in any class or shift employed in any
 industry or calling or where the provisions of
 subsection (g) of this section have been applied
 10 in excess of the greater number of days or
 hours fixed by virtue of such subsection, may
 be permitted by the terms of any award or indus-
 trial agreement at a rate of payment there-
 for of not less than double time in any in-
 15 dustry or calling in or in connection with
 which more than one shift per day is worked
 or not less than time and a half in any other
 industry or calling; and shall be paid at a rate
 to be fixed by the court, or the board, or by
 industrial agreement :

20 Provided that necessary overhauling or re-
 pair work in mines which is carried on before or
 after the fixed or recognised hours for starting
 or leaving off work shall not on that account
 be deemed overtime.

(e d) the court may by award from time to time, for
 the purpose of distributing the work available
 in an industry or calling so as to relieve unem-
 25 ployment, or for any other purpose which
 appears to the court to be good and sufficient,
 prohibit or restrict to any extent the working
 of overtime in any industry or calling; for any
 good and sufficient reason prohibit or restrict the
 working of overtime in any industry or calling ;

30 (f e) the court shall may upon the application of an
 industrial union make an award prohibiting
 the working of overtime in any industry or
 calling in which the working of overtime is not
 permitted as aforesaid provided in paragraph (d),
 35 but nothing herein shall prevent the amendment
 or making of any award so as to permit the
 working of overtime ;

(g) a greater number of days or hours or inter-
 40 missions greater than above limited may be
 fixed by award if the court or board certifies
 that for reasons of paramount public interest
 such greater number of days or hours or greater
 intermissions should be worked or allowed in
 the industry or calling ; (f)

Eight-hours.

5 (f) the number of days or hours to be worked in any industry or calling, or in any branch or shift thereof, may be increased beyond those limited in subsection (a) by agreement between the parties under an industrial agreement or by award if the court or board consider that in the interest of the industry or calling or in the public interest such increase should be allowed.

10 (g) subject to the last paragraph, where in any industry or calling the ordinary time of work is at the commencement of this Act fixed by award or industrial agreement or by well established practice in the industry or calling, such time shall not be exceeded in any award or industrial agreement made after such commencement in respect of such industry or calling.

15 (2) The Governor may, from time to time, by proclamation in the Gazette, suspend for any time during the war with Germany and her allies now being waged, the whole or any of the provisions of this section, either generally or limited to specified industries or callings, and subject to such conditions as may be thought proper to impose; and may in like manner rescind or amend any such proclamation.

20 (2) This Act shall come into force upon the expiration of three months after the termination of the present war with Germany and her allies now being waged.

30 4. Application may be made at any time during the currency of an award or industrial agreement in force at the commencement of this Act to make such variations or amendments as are necessary to bring it into conformity with or to give effect to the provisions of this Act.

Applications to vary existing awards or agreements.

40 5. Any award or industrial agreement made after the commencement of this Act in which the directions or provisions of this Act have not been observed shall not be enforceable.

Where award or industrial agreement is not in accordance with this Act.

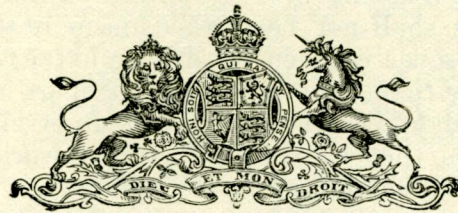
But the court shall amend such award or agreement so that the same may be in accordance with such directions and provisions.

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,
Acting Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 9 November, 1915.*

New South Wales.



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Act to bind Crown.

3. (1) The following directions shall be observed by the court and the boards in making awards, and by the parties in making agreements :—

Directions to be observed by the court and by boards.

(a) Employees shall not be worked on more than six out of seven consecutive days, and the time worked by them within any period of six consecutive days shall not exceed forty-eight hours, or in the case of underground workers in metalliferous mines forty-four hours :

Provided that—

(b) the working time of employees in underground occupations, or occupations in which the conditions as to temperature, ventilation, lighting, and limitation of approaches are similar to those obtaining in underground occupations, shall include permitted intermissions for rest and meals, shall be reckoned from bank to bank, and shall not exceed six hours upon any day, if for four hours of such day the temperature of the place where the employee is occupied shall have exceeded eighty degrees Fahrenheit thermometer, using a wet bulb ;

(c) intermissions for rest, other than "smoke-oh's", and for meals, in any day on which eight and three quarter hours, or less, are worked, shall not exceed a total of one hour ;

(d) overtime, that is time worked in excess of the days or hours above limited, or before or after the fixed or recognised times of starting or leaving off work in any industry or calling or where the provisions of subsection (g) of this section have been applied in excess of the greater number of days or hours fixed by virtue of such subsection, may be permitted by the terms

of

Eight-hours.

- 5 of any award or industrial agreement at a rate of payment therefor of not less than double time in any industry or calling in or in connection with which more than one shift per day is worked or not less than time and a half in any other industry or calling ;
- 10 (e) the court may by award from time to time, for the purpose of distributing the work available in an industry or calling so as to relieve unemployment, or for any other purpose which appears to the court to be good and sufficient, prohibit or restrict to any extent the working of overtime in any industry or calling ;
- 15 (f) the court shall upon the application of an industrial union make an award prohibiting the working of overtime in any industry or calling in which the working of overtime is not permitted as aforesaid, but nothing herein shall prevent the amendment or making of any award so as to permit the working of overtime ;
- 20 (g) a greater number of days or hours or intermissions greater than above limited may be fixed by award if the court or board certifies that for reasons of paramount public interest such greater number of days or hours or greater intermissions should be worked or allowed in the industry or calling ;
- 25 (h) subject to the last paragraph, where in any industry or calling the ordinary time of work is at the commencement of this Act fixed by award or industrial agreement or by well established practice in the industry or calling, such time shall not be exceeded in any award or industrial agreement made after such commencement in respect of such industry or
- 30 calling.
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and subject to such conditions as may be thought proper to impose; and may in like manner rescind or amend any such proclamation.

- 4.** Application may be made at any time during the
5 currency of an award or industrial agreement in force at the commencement of this Act to make such variations or amendments as are necessary to bring it into conformity with or to give effect to the provisions of this Act.
- 5.** Any award or industrial agreement made after
10 the commencement of this Act in which the directions or provisions of this Act have not been observed shall not be enforceable.
- The court shall amend such award or agreement so
15 that the same may be in accordance with such directions and provisions.

Applications to vary existing awards or agreements.

Where award or industrial agreement is not in accordance with this Act.