

EIGHT HOURS (AMENDMENT)
ACT.

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.] George V,
No. 8.

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 Short title. (Amendment) Act, 1922."

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 (1) The Eight Hours (Amendment) Act, 1920, is Repeal hereby repealed.

(2) Upon the passing of this Act proclamations by the Governor under section thirteen of the Act hereby repealed shall cease to have effect: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by the reports mentioned in the Schedule hereto of the special court appointed under the provisions of the Act hereby repealed shall be deemed to have been fixed by proclamation within the meaning of the preceding subsection for the respective classes of employees mentioned therein.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)

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(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) 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

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.

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- (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 amend-
ments 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 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.

Awards or
agreements
may be
varied.

(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.

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 enforce-
able, but may
be varied or
amended.

**Mittagong, Bowrai, and Moss Vale Transmission
Line Act.**

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No. 8.**

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