

EIGHT-HOURS ACT.

Act No. 11, 1916.

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. [Assented to, 12th April, 1916.]

George V,
No. 11.

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 Act, 1916.” It shall be construed with the Industrial Arbitration Act, 1912, hereinafter referred to as “ the Principal Act.”

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

“ 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.

4.

Eight-hours Act.

**George V,
No. 11.**

Directions to
be observed
by the court
and by
boards.

Coal mining
industry.

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 :—

(a) In the coal mining industry—

Subject to the provisions of this section a workman shall not be below ground in mines for the purpose of his work, or of going to and coming from his work, for more than eight hours during any consecutive twenty-four hours.

For the purposes of this section the expression “workman” means any person employed in a mine below ground who is not an official of the mine (other than a fireman, examiner, or deputy), or a mechanic, or horsekeeper, or person engaged solely in surveying or measuring, and any number of workmen whose hours for beginning and terminating work in a mine are approximately the same shall be deemed to be a shift of workmen :

Provided that no contravention of the provisions of this section shall be deemed to take place in the case of a fireman, examiner, deputy, onsetter, pump-minder, fanman, or furnace man, where the period for which he may be below ground does not exceed ninety-six hours in fourteen consecutive days, and in the case of a shiftman, roadman, or workman engaged in the handling and transit of coal where the period for which he may be below ground does not exceed forty-eight hours in any period of six consecutive days.

Metalliferous
mining
industry.

(b) In the metalliferous mining industry—

Subject to the provisions of this section a workman shall not be below ground in a mine for the purpose of his work or of going to and coming from his work for more than eight hours during any consecutive twenty-four hours, nor for more than eighty-eight hours in any period of fourteen consecutive days.

No contravention of the provisions of subsections (a) and (b) of this section shall be deemed to

to take place in the case of a workman working in a shift if the period between the times at which the last workman in the shift leaves the surface and the first workman in the shift returns to the surface does not exceed eight hours; nor shall any contravention of the provisions of the aforesaid subsections be deemed to take place in the case of any workman who is below ground in cases of accident, emergency, or other unavoidable contingency :

George V,
No. 11.

Provided that—

The working time of employees in underground occupations shall not exceed six hours during any shift if for four hours of such shift the temperature of the place where the employee is occupied shall have exceeded eighty-one degrees Fahrenheit thermometer using a wet bulb.

(c) In all other industries—

the number of hours worked shall not exceed— Other industries.

- (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 industrial agreement or by an award of the board.

(d) 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 industrial agreement. Overtime.

(e) The court may for any good and sufficient reason prohibit or restrict the working of overtime in any industry or calling.

(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 this section by award if the court or board consider that in the public interest such increase should be allowed. Increase of days and hours to be worked.

(g)

Eight-hours Act.

**George V,
No. 11.**

(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.

(Governor
may suspend
operation of
Act.

(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 sections of industries ; and may in like manner rescind or amend any such proclamation.

Applications
to vary
existing
awards or
agreements.

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 or amendments as are necessary to bring it into conformity with or to give effect to the provisions of this Act.

Where
award or
industrial
agreement is
not in accord-
ance with
this Act.

6. 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.

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