



ANNO DUODECIMO

ELIZABETHAE II REGINAE

A.D. 1963

No. 59 of 1963

An Act to amend the Industrial Code, 1920-1960.

[Assented to 5th December, 1963.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Industrial Code Amendment Act, 1963". Short titles.
- (2) The Industrial Code, 1920-1960, as amended by this Act may be cited as the "Industrial Code, 1920-1963".
- (3) The Industrial Code, 1920-1960, is hereinafter referred to as "the principal Act".
2. This Act shall commence on a day to be fixed by the Governor by proclamation. Commencement.
3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
4. Section 2 of the principal Act is amended— Amendment of principal Act, s. 2.
 - (a) by striking out the line "PART I.—Repeal (section 3) : " therein and inserting in lieu thereof the line "PART I.—Repeal and Interpretation (sections 3 and 5) : " ;
 - (b) by striking out the figure "4" in the third line thereof and inserting in lieu thereof the figure "5a";

- (c) by striking out the line "DIVISION I.—Interpretation (sections 5 and 6):" therein ;
- (d) by striking out the lines "DIVISION III.—Applications pending Constitution of New Boards (sections 160 to 166):" therein ;
- (e) by striking out the lines "DIVISION XIII.—Powers and Duties of Inspectors (sections 226 to 232):" therein ;
- (f) by striking out the lines "DIVISION I.—Interpretation (sections 251 and 251a):" therein ;
- (g) by inserting therein after the line "DIVISION IV.—Living Wage (sections 264 to 269):" the line "DIVISION IVA.—Demarcation of Callings (section 269d):"
- (h) by striking out the line "PART V.—Provisions Relating to Factories and Shops" and inserting in lieu thereof the line "PART V.—Provisions Relating to Factories, Shops, Offices and Warehouses";
- (i) by striking out the lines "DIVISION VI.—Powers and Duties of Inspectors (sections 294 to 302):" therein ;
- (j) by striking out the lines "DIVISION IX.—Breaches of Awards, Offences and Recovery of Penalties (sections 120 to 132):" and inserting in lieu thereof the lines "DIVISION IX.—General Provisions relating to Awards (sections 120 to 132b):"
- (k) by striking out the lines "DIVISION X.—Lime Washing (sections 314 and 315):" and "DIVISION XI.—Bakehouses (sections 316 and 317):" therein ;
- (l) by striking out the lines "DIVISION XII.—Dust Generating Factories (section 318):" therein and inserting in lieu thereof the lines "DIVISION XII.—Factories in which Dust is generated (section 318):" and "DIVISION XIII.—Foundries and Welding (sections 318a and 318b):"
- (m) by striking out the lines "DIVISION XV.—Openings, Lifts, and Dangerous" and "DIVISION XVI.—Grindstones (section 327):" and inserting in lieu thereof respectively the lines "DIVISION XV.—Cranes, Hoists and Dangerous" and "DIVISION XVI.—Grinding Wheels (section 327):"
- (n) by striking out the lines "DIVISION XXI.—Employment of Persons under Sixteen Years (sections 351 to 355):" and "DIVISION XXII.—Working Hours in Factories where Chinese Employed (sections 356 to 358):" therein ;

(o) by inserting at the end thereof the line "Part VII.—
Annual Report (section 388)."

5. The heading "PART II. INDUSTRIAL ARBITRATION." and section 4 of the principal Act are struck out. Repeal of principal Act, s. 4.

6. Section 5 of the principal Act is amended— Amendment of principal Act, s. 5.

(a) by striking out the passage "this Part of this Act," wherever occurring therein (except in paragraphs (h) and (j) of the definition of "industrial matters" and in the definition of "registered association") and inserting in lieu thereof in each case the passage "this Act";

(b) by striking out the definition of "apprentice" therein and inserting in lieu thereof the following definition :—

"apprentice" means an apprentice within the meaning of the Apprentices Act, 1950 :

(c) by striking out the definition of "award" therein and inserting in lieu thereof the following definition :—

"award" means an award or order of the court and includes a variation of an award or order :

(d) by inserting therein after the definition of "Board of Industry" the following definition :—

"chairman" means the Chairman of a board :

(e) by striking out the definition of "child" therein and inserting in lieu thereof the following definition :—

"child" means a person under the school leaving age within the meaning of the Education Act, 1915-1962, not being a person exempted by the Minister of Education pursuant to section 46 of that Act :

(f) by inserting the following definitions after the definition of "child" therein :—

"clothing or wearing apparel" includes boots and shoes :

"club" means a body or company the members of which are associated together for social, literary, political, sporting, athletic, or any similar purposes :

"court" means the Industrial Court continued under this Act :

"crane" or "hoist" means a crane or hoist within the meaning of the Lifts Act, 1960 :

(g) by striking out the definition of "employee" therein and inserting in lieu thereof the following definition :—

"employee" means—

(a) for the purposes of Part III of this Act any person employed in any industry, whether on wages or piece-work rates, and includes any person whose usual occupation is that of employee in any industry, but does not include any person employed on a salary or any spouse, son or daughter of his or her employer :

(b) for the purposes of other Parts of this Act any person employed in any industry, whether on salary, wages or piece-work rates, and includes any person whose usual occupation is that of employee in any industry, but does not include any spouse, son or daughter, of his or her employer :

(h) by inserting after the word "corporation" in paragraph (a) of the definition of "employer" therein the words "or club";

(i) by inserting at the end of paragraph (b) in the definition of "employer" therein the following paragraphs :—

x. the Electricity Trust of South Australia ;

xi. the Municipal Tramways Trust ;

xii. the South Australian Housing Trust ;

(j) by inserting after the definition of "employer" therein the following definitions :—

"factory" means—

(1) any premises or place within which or the precincts whereof the occupier employs any one person at manual labour which is exercised by way of trade or for purposes of gain in or incidental to—

i. any handicraft ;

ii. the making of any article or part of any article ; or

iii. the altering, repairing, ornamenting, or finishing of any article ; or

iv. the adapting for sale of any article ;

and to or over which premises or place or the precincts whereof the employer of any person so working therein has the right of access or control ;

(2) any clay-pit or quarry within which, or the precincts whereof, the employer employs any person at manual labour which is exercised by way of trade or for purposes of gain, such clay-pit or quarry being worked or used in connection with any pottery or brickyard occupied by such occupier ; and

(3) any premises or place, where electricity is generated for the supply of heat, light, or power, or any or all of them, or where coal gas is made, and within which premises or place, or the precincts whereof, the employer employs any person at manual labour which is exercised by way of trade, or for purposes of gain ;

(4) for the purpose of registration and the computation of registration fees, any number of adjacent buildings or places,

but does not include any medical dispensary or dentist's or chemist's laboratory :

“furniture” means furniture of which wood forms a part and such as is usually made by cabinetmakers, chairmakers, couchmakers, upholsterers, woodcarvers, or woodturners :

“handicraft” includes any work whatsoever done in any laundry or dye-works and whether or not done in preparing or manufacturing articles for trade or sale :

- (k) by inserting immediately before paragraph (1) of the definition of "industrial matters" therein the passage "for the purposes of Part II of this Act";
- (l) by striking out the words "this Part" in paragraphs (h) and (j) of paragraph (2) and in paragraph (3) of the definition of "industrial matters" therein and inserting in lieu thereof the words "Part II" in each case ;
- (m) by inserting at the end of the definition of "industrial matters" therein the following passage :—

for the purposes of Part III of this Act means
all or any matters relating to—

- (a) the wages, allowances, or remuneration of any persons employed or to be employed in any industry, or the piece-work, contract, or other prices paid or to be paid therein in respect of that employment, including the wages, allowances, or remuneration to be paid for work done during overtime or on holidays, or for other special work ;
- (b) the hours of employment in any industry including the lengths of time to be worked and the quantum of work or service to be done to entitle employees therein to any given wages, allowances, remuneration, or prices, and what times shall be regarded as overtime ;
- (c) the sex, age, qualification, or status of employees, and the mode, terms, and conditions of employment, including the question whether persons of either sex (other than apprentices) shall be disqualified for employment in an industry ;
- (d) the number or proportionate number of apprentices and improvers and juvenile workers that may be employed by an employer in any industry ;
- (e) the relationship of master and apprentice ;
- (f) the employment of children or juvenile workers, or of any person or class of persons (other than apprentices) in any industry ;

- (g) any established or alleged established custom or usage of any industry, either general or in any particular locality ;
 - (h) the monetary value of any allowances granted to or enjoyed by employees ;
 - (i) all matters prescribed ;
 - (j) the leave of absence for recreation to be granted by employers other than the Crown to employees, the payments to be made in respect of or in lieu of such leave of absence and the conditions of and other matters incidental to such leave of absence or payments ;
 - (k) the leave of absence to be granted by employers other than the Crown to employees on account of personal illness or injury, the payments to be made in respect of such leave of absence and the conditions of and other matters incidental to such leave of absence or payments.
- (n) by inserting at the end of the definition of "industry" therein the following paragraph :—
- (c) for the purposes of Part II of this Act includes also craft, occupation or calling in which persons of either sex are employed for hire or reward in any hotel, club or hospital, whether the business thereof is carried on by way of trade or for purposes of gain or not ; or
- (o) by striking out the word "industrial" in the definition of "inspector" therein ;
- (p) by inserting therein after the definition of "juvenile worker" the following definition :—
- "laundry" does not include—
- (a) any prison, reformatory, industrial school or home for erring women ; or
 - (b) any institution conducted exclusively for charitable purposes :

- (q) by striking out the definition of "living wage" therein and inserting in lieu thereof the following definition :—

"living wage" means a sum sufficient for the normal and reasonable needs of the average employee living in the locality in which the work under consideration is done or to be done or a living wage proclaimed under section 269b :

- (r) by inserting therein after the definition of "lock-out" the following definition :—

"machinery" includes any driving belt, band, wire, rope or cable of any kind forming part of or connected with machinery and includes mill-gearing :

- (s) by inserting therein after the definition of "metropolitan area" the following definition :—

"mill-gearing" includes every shaft and every wheel drum and pulley or appliance by which the motion of the first moving power is connected to any machine in a factory :

- (t) by inserting before the word "Industry" twice occurring in the definition of "Minister" the words "Labour and" in each case ;

- (u) by inserting therein after the definition of "Minister" the following definitions :—

"occupier" means the person, company, corporate body or association employing persons in a factory, shop, office or warehouse and includes any agent, manager, foreman or other person acting or apparently acting in the general management or control of any such factory, shop, office or warehouse :

"parent" means parent, guardian or person having the custody of or control over any young person or child :

- (v) by striking out the figures "1916" at the end of the definition of "Public Service Commissioner" therein and inserting in lieu thereof the figures "1936-1959";

- (w) by striking out the definition of "Public Service employees" therein and inserting in lieu thereof the following definition :—

“Public Service employees” :—

- (a) for the purposes of Part II of this Act means any persons employed in any capacity in the public service of the State whether on wages or salary or otherwise and whether under the provisions of the Public Service Act, 1936-1959, or not, and includes teachers appointed under the Education Act, 1915-1962, and members of the Police Force ; and
- (b) for the purposes of Part III of this Act means—
- (i) any persons employed in any capacity in the public service of the State at daily or weekly wages or at piece-work rates of payments ; and
 - (ii) any other persons employed in the public service of the State to whom the provisions of the Public Service Act, 1936-1959, do not apply and in respect of whom both Houses of Parliament pass a resolution approving their inclusion in this definition.
- (x) by striking out the definition of “Railway employees” therein and inserting in lieu thereof the following definition :—
- “Railway employees” means—
- (a) for the purposes of Part II of this Act any persons whether on wages or salary or otherwise in the service of the South Australian Railways Commissioner ;
 - (b) for the purposes of Part III of this Act any persons in the service of the South Australian Railways Commissioner at daily or weekly wages or at piece-work rates of payment :
- (y) by striking out the words “this Part” in the definition of “registered association” therein and inserting in lieu thereof the words “Part II”
- (z) by inserting therein after the definition of “rules of court” the following definitions :—

“sanitary convenience” includes urinal, water-closet, earth closet, privy, ashpit, and any similar convenience :

“Secretary for Labour and Industry” means the person for the time being holding the office of Secretary for Labour and Industry under appointment by the Governor or the person so appointed to perform the duties of the Secretary for Labour and Industry for the time being :

“shop” means a shop within the meaning of the Early Closing Act, 1920-1960.

(za) by striking out the definition of “wages board” therein ;

(zb) by inserting at the end thereof the following definitions :—

“warehouse” means and includes a building or premises other than a factory or shop wherein goods are stored for the purposes of sale, trade or gain or are measured, cut or packed :

“woman” means any person of the female sex over the age of sixteen years :

“young person” means any person under the age of sixteen years not being a child within the meaning of this Act.

Enactment of heading.

7. The following heading is inserted in the principal Act after section 5 thereof :—

PART II.

PART II.

INDUSTRIAL ARBITRATION.

Repeal and re-enactment of s. 5a of principal Act—

8. Section 5a of the principal Act is struck out and the following section is inserted in lieu thereof :—

Arrangement.

5a. The provisions of this Part of this Act are arranged as follows :—

DIVISION II.—Constitution of Court and appointment of officers :

DIVISION III.—Jurisdiction and powers :

DIVISION IV.—Procedure and evidence :

DIVISION V.—Powers of Court in relation to determinations of industrial boards :

DIVISION VI.—Registered associations :

- DIVISION VII.—Industrial agreements :
DIVISION VIII.—Lock-Outs and strikes :
DIVISION IX.—General provisions relating to
awards :
DIVISION X.—Rules of court and regulations :
DIVISION XI.—Summary procedure.

9. Section 5b of the principal Act is struck out. Repeal of
principal Act
s. 5b.
10. The following section is inserted in the principal Act after section 5 thereof :— Enactment of
s. 5c of
principal Act—
- 5c. The amendments effected by the Industrial Code Amendment Act, 1963, shall not be construed so as to render any award or order made before the commencement of that Act binding upon any association or person not bound by the same prior to such commencement unless and until the court otherwise orders. Application of
Industrial
Code Amend-
ment Act,
1963.
11. Subsection (1) of section 7 of the principal Act is amended by inserting at the end thereof the passage “and shall be known as the Industrial Court of South Australia.”. Amendment of
principal Act,
s. 7.
12. Section 12a of the principal Act is amended to read as follows :— Amendment of
principal Act,
s. 12a—
- 12a. The President and any Deputy President shall be judges of the Court and neither the President nor any Deputy President shall be removed from office before reaching the retiring age except upon the address of both Houses of Parliament. President and
Deputy
President
to be judges
of Court.
13. Section 12ea of the principal Act is amended— Amendment of
principal Act,
s. 12ea.
- (a) by striking out the words “one-quarter” in paragraphs (b) and (d) thereof and inserting in lieu thereof the words “three-tenths” in each case ;
- (b) by inserting at the end of each of the said paragraphs (b) and (d) thereof the words “and in respect of each of her children who are under the age of sixteen years a pension at the rate of fifty-two pounds per annum until such children respectively attain the age of sixteen years”.
14. Subsection (5) of section 15 of the principal Act is amended by striking out the words “be paid a fee of one pound for every day on which he attends the hearing” and inserting in lieu thereof the words “for each day on which he attends the hearing be paid such fees as may be prescribed”. Amendment of
principal Act,
s. 15.

Amendment of
principal Act,
s. 17.

15. Section 17 of the principal Act is amended—

(a) by inserting after the words “in the industry concerned” in subparagraph II of paragraph (b) of subsection (1) thereof the words “or of not less than seventy-five per cent of the employees in the industry concerned whichever is the lesser”;

(b) by inserting at the end of subparagraph III of paragraph (b) of the said subsection (1) thereof the words “or by not less than seventy-five per cent of the employees in the industry concerned whichever is the lesser”;

(c) by striking out all the words after the word “association” (second occurring) in subparagraph v of paragraph (b) of subsection (1) thereof and inserting in lieu thereof the following passage :—

(a) not less than twenty members are employees in the industry concerned ; or

(b) not less than seventy-five per cent of all the employees in the industry concerned are members,

whichever is the lesser ;

(d) by striking out paragraph (f) of subsection (1) thereof ;

(e) by inserting in subsection (1) thereof after paragraph (k) thereof the following paragraph :—

(l) to :—

(i) appoint in any award a Board of Reference of one or more members to deal with any matters prescribed by that award ; or

(ii) provide in any award for the appointment of a Board of Reference of one or more members to deal with any matters prescribed by the award ; the Chairman of a Board of Reference which is appointed in pursuance of the provision under this sub-paragraph shall be appointed by the court :

Provided that there shall be an appeal to the court from any decision or order of any Board of Reference appointed under this paragraph.

(f) by striking out the words “has been or is in the course of being appointed” in subsection (2) thereof and inserting in lieu thereof the words “is or is in course of being constituted”;

(g) by inserting therein after subsection (2) thereof the following subsection :—

(3) The court shall have jurisdiction to hear and determine any question of law arising out of or involving the interpretation of this Act.

16. Section 20 of the principal Act is amended by inserting therein after subsection (5) thereof the following subsections :— Amendment of principal Act, s. 20.

(6) A summons under this section may be sent by registered letter or certified mail or by telegram and need not be in the form elsewhere prescribed.

(7) The President may, whenever in his opinion it is desirable so to do, determine and settle any industrial matter dealt with at a conference under this section and for that purpose may exercise all or any powers of the court : Provided that any award or order made by the President under this subsection shall be binding only upon the parties represented before him.

17. Paragraph (g) of subsection (1) of section 21 of the principal Act is amended by striking out the passage “in the *Gazette* and in such other publications (if any) as the court directs” in the second proviso thereto and inserting in lieu thereof the passage “once at least in one or more daily newspapers circulating in the metropolitan area and, unless the court otherwise orders, once at least in the *Gazette*”. Amendment of principal Act, s. 21.

18. Section 21a of the principal Act is amended by inserting therein after subsection (3) thereof the following subsection :— Amendment of principal Act, s. 21a.

(3a) Notwithstanding the provisions of subsections (1), (2) and (3) of this section the Registrar may at any time of his own motion consolidate an award and any such consolidation shall by him be published in the *Gazette*.

19. Section 30 of the principal Act is amended by striking out the words “or any inspector” wherever occurring therein. Amendment of principal Act, s. 30.

20. Section 31 of the principal Act is amended by striking out the words “Chief Inspector” wherever occurring therein and inserting in lieu thereof the words “Secretary for Labour and Industry” in each case. Amendment of principal Act, s. 31.

21. Subsection (1) of section 36 of the principal Act is amended by inserting therein at the beginning thereof the words “Subject to subsection (2) of this section”. Amendment of principal Act, s. 36.

Amendment of
principal Act,
s. 41.

22. Section 41 of the principal Act is amended—

- (a) by inserting before the word “Registrar” in paragraph (a) thereof the words “President or”;
- (b) by inserting at the end of the said paragraph (a) thereof the following proviso :—

Provided that the President or Registrar may determine the number of parties or persons who shall be summoned to appear at the same time and the day or days upon which specified parties or persons shall be required to attend : Provided further that the President or Registrar may refuse to issue a summons to any party or parties or other person or persons if he is of the opinion that an application in that behalf is not justified ;

- (c) by inserting the following paragraph therein after paragraph (j) thereof :—

(k) For the purposes of sections 17, 54 and 62, the court may accept the records (if any) contained in the latest annual report of the Secretary for Labour and Industry or a certificate from the said Secretary.

Amendment of
principal Act,
s. 42.

23. Section 42 of the principal Act is amended by inserting therein at the end thereof the following subsection (the previous portion of the section being designated as subsection (1) thereof) :—

(2) A copy of the *Gazette* purporting to contain any award, order, decision, direction, appointment, reference or other act of the court shall without further proof have the like effect as an office copy under subsection (1) of this section.

Amendment of
principal Act,
s. 45.

24. Subsection (1) of section 45 of the principal Act is amended—

- (a) by striking out the words “quarterly computation” therein and inserting in lieu thereof the words “proclamation”;
- (b) by inserting the following proviso at the end of paragraph (b) thereof :—

Provided that notwithstanding any other provision of this subsection, where a wages price or rate mentioned in this paragraph is expressed as a percentage of a rate for adult male employees the provisions of this paragraph shall not apply and the award or order shall be construed as

meaning that such wages price or rate shall be the percentage of the adult male rate as increased or decreased in accordance with paragraph (a) of this subsection.

25. Section 46a of the principal Act is amended—

Amendment of principal Act, s. 46a.

- (a) by striking out the words “Classification and Efficiency Board under the Public Service Acts, 1926 to 1933” in paragraph (a) thereof and inserting in lieu thereof the words “Public Service Board under the Public Service Act, 1936-1959”;
- (b) by striking out the words “or other persons” in paragraph (b) thereof;
- (c) by striking out the words “regulation under the Education Acts, 1915 to 1929” in the said paragraph (b) thereof and inserting in lieu thereof the words “any award of the Teachers’ Salaries Board under the Education Act, 1915-1962”.

26. Subsection (1) of section 46b of the principal Act is amended by striking out the word “court” therein and inserting in lieu thereof the word “Registrar”.

Amendment of principal Act, s. 46b.

27. Section 47 of the principal Act is amended by inserting therein after subsection (2) thereof the following subsection :—

Amendment of principal Act, s. 47.

- (3) Notwithstanding the provisions of paragraph (c) of subsection (1) of this section the court may, in its discretion, vary an award or order after the expiration of three years from the date thereof and may declare such variation to be a common rule.

28. Section 49 of the principal Act is amended—

Amendment of principal Act, s. 49.

- (a) by striking out the words “Commonwealth Court of Conciliation and Arbitration” therein and inserting in lieu thereof the words “Commonwealth Conciliation and Arbitration Commission”;
- (b) by striking out the words “in such court” therein and inserting in lieu thereof the words “to such Commission”;
- (c) by striking out the expression “Commonwealth Court” (twice occurring) therein and inserting in lieu thereof in each case the words “Commonwealth Commission”.

29. Section 50 of the principal Act is struck out.

Repeal of principal Act, s. 50.

30. Section 53 of the principal Act is amended by striking out paragraph (c) thereof.

Amendment of principal Act, s. 53.

Amendment of
principal Act,
s. 54.

31. Section 54 of the principal Act is amended—

- (a) by striking out the words “against the determination of an Industrial Board” therein ;
- (b) by striking out the words “if against a determination in force in the metropolitan area” in subsection (1) thereof ;
- (c) by striking out the word and figure “or VII” in paragraph (b) of the said subsection (1) thereof and inserting in lieu thereof the word and figures “VII, VIII, IX, X, XI or XII” ;
- (d) by inserting before the word “representatives” in paragraph (c) of the said subsection (1) thereof the words “majority of the”;
- (e) by inserting before the word “representatives” in paragraph (d) of the said subsection (1) thereof the words “majority of the”;
- (f) by striking out all the words after the word “than” in paragraph (e) of the said subsection (1) thereof and inserting in lieu thereof the words “twenty employees subject to the determination or not less than one-quarter of the total number of employees subject to the determination whichever is the lesser”;
- (g) by striking out all the words after the word “than” in subparagraph (f) of subsection (1) thereof and inserting in lieu thereof the words “twenty employees subject to the determination or not less than one-quarter of the total number of employees subject to the determination whichever is the lesser”;
- (h) by inserting after subparagraph (g) of subsection (1) thereof the following subparagraph :—
 - (h) by any person or association interested if the appeal is an appeal only challenging or disputing the determination or part of the determination for the illegality thereof. ;
- (i) by striking out subsections (2) and (3) thereof.

Amendment of
principal Act,
s. 55.—

Stay of
operation of
determination.

32. Section 55 of the principal Act is struck out and the following section is inserted in lieu thereof :—

55. When an appeal has been made against a determination the court may on such terms and conditions as it thinks fit order that the operation of the whole or any specified part or parts of the determination shall be stayed pending the decision on the appeal or until further order of the court.

33. Section 56 of the principal Act is amended by striking out the words "Chief Inspector" therein and inserting in lieu thereof the words "Secretary for Labour and Industry".

Amendment of
principal Act,
s. 56.

34. Section 57 of the principal Act is amended—

Amendment of
principal Act,
s. 57.

(a) by striking out subsection (1) thereof and inserting in lieu thereof the following subsection :—

(1) The appeal shall be made in the prescribed manner, and—

(a) unless made solely on the grounds of illegality, shall be commenced within six weeks after the publication of such determination in the *Gazette* ;

(b) if the appeal is in respect of the omission, failure or refusal of the board to exercise or discharge a power or duty, shall be commenced within six weeks after the date of such omission, failure or refusal, as the case may be.

(b) by striking out paragraph (b) of subsection (2) thereof and inserting in lieu thereof the following subparagraph :—

(b) shall, if or to the extent that the appeal is lodged in respect of the omission, failure or refusal of the board to exercise or discharge a power or duty, or in respect of the illegality of the determination, specify such power, duty or illegality and the relief sought.

35. The heading "*Applications to Quash Determinations*" and section 59 of the principal Act are struck out.

Repeal of
principal Act,
s. 59.

36. Section 60 of the principal Act is amended by striking out the word "Minister" wherever occurring therein and inserting in lieu thereof the words "Secretary for Labour and Industry" in each case.

Amendment of
principal Act,
s. 60.

37. Subsection (2) of section 62 of the principal Act is amended—

Amendment of
principal Act,
s. 62.

(a) by striking out the word and figure "or IX" in paragraph (b) thereof and inserting in lieu thereof the passage "IX, X, XI or XII";

(b) by striking out all the words after the word "than" in paragraph (c) thereof and inserting in lieu thereof the words "twenty employees subject to the determination or not less than one-quarter of the

total number of employees subject to the determination whichever is the lesser”;

(c) by striking out all the words after the word “than” in subparagraph (d) thereof and inserting in lieu thereof the words “twenty employees subject to the determination or not less than one-quarter of the total number of employees subject to the determination whichever is the lesser”;

(d) by striking out paragraph (f) thereof.

Amendment of
principal Act,
s. 63.

38. Subsection (2) of section 63 of the principal Act is amended by inserting at the end thereof the following proviso :—

Provided that if the rules of any association are registered under the Commonwealth Conciliation and Arbitration Act, 1904 or any Act amending the same, the Registrar may dispense with compliance by any such association with any condition relating to its rules.

Amendment of
principal Act,
s. 65.

39. Subsection (1) of section 65 of the principal Act is amended—

(a) by striking out the words “by notice in writing” therein ;

(b) by inserting therein before paragraph (a) thereof the following paragraph :—

(a) publish notice of such application once at least in the *Gazette*, and once at least in one or more daily newspapers circulating in the metropolitan area ; and

(c) by striking out paragraph (a) thereof and inserting in lieu thereof the following paragraph :—

(b) by notice in writing inform such registered associations as he considers may be affected, of the fact of such application ; and

(d) by designating paragraph (b) thereof as paragraph (c).

Enactment of
principal Act,
s. 66a—

40. The following section is inserted in the principal Act after section 66 thereof :—

66a. Notwithstanding the provisions of section 66 the Registrar may at any time and from time to time if he sees fit so to do adjourn an application to register an association to enable the applicant association to alter its rules.

Adjournment
of application
for registration.

Amendment of
principal Act,
s. 72.

41. Section 72 of the principal Act is amended—

(a) by inserting after the word “printed” therein the words “or typewritten”;

- (b) by striking out the words "one shilling" therein and inserting in lieu thereof the words "five shillings".

42. Section 76 of the principal Act is amended by striking out subsections (1) and (2) thereof and inserting in lieu thereof the following subsection :— Amendment of principal Act, s. 76.

(1) All fees, levies or dues payable to a registered association by any member thereof in pursuance of the rules of the association may, in so far as the same relate to any period of membership subsequent to the date of registration of the association, be recovered in any court of competent jurisdiction by the trustees or other officers authorized to sue on behalf of or in the name of the association.

43. Section 78 of the principal Act is amended— Amendment of principal Act, s. 78.

- (a) by striking out the words "any industrial dispute or industrial matter before the court, or of" and the words "dispute, matter, or" therein.

44. Section 80 of the principal Act is amended— Amendment of principal Act, s. 80.

- (a) by striking out the words "the members and" in subsection (1) thereof and inserting in lieu thereof the word "all";
- (b) by inserting after the words "such association" in the said subsection (1) thereof the words "and shall advise the Registrar in writing of the number of members of such association";
- (c) by striking out subsection (2) thereof and inserting in lieu thereof the following subsections :—

(2) In the month of July in every year every registered association shall forward to the Registrar a list of the alterations which have taken place during the six months ending on the preceding thirtieth day of June in the persons who are officers (including trustees) of such association.

(2a) Every registered association shall keep an up to date register of the members of such association which the Registrar may inspect at any reasonable time, and every such association shall, whenever requested by the Registrar furnish him within twenty-eight days of such request with a list of the names of all members of such association or of the number of members thereof as the case may be.

Amendment of
principal Act,
s. 81.

45. Subsection (1) of section 81 of the principal Act is amended by inserting therein before the word "Penalty" the following passage :—

Such balance-sheet and statement shall be in the form prescribed and shall be audited by a registered company auditor within the meaning of the Companies Act, 1962, and shall be accompanied by a certificate under the hand of the auditor that in his opinion the balance-sheet and statement exhibit a true and correct statement of the financial position of the association.

Enactment of
ss. 85a and 85b
of the principal
Act—

46. The following sections are enacted and inserted in the principal Act after section 85 thereof:—

Rules of
registered
Association.

85a. (1) A rule of a registered association—

- (a) shall not be contrary to a provision of this Act, the regulations or an award or otherwise be contrary to law or be such as to cause the rules of the registered association to fail to comply with such a provision ;
- (b) shall not be such as to prevent or hinder members of the registered association from observing the law or the provisions of an award ; and
- (c) shall not impose upon applicants for membership, or members, of the registered association, conditions, obligations or restrictions which, having regard to the objects of this Act and the purposes of the registration of associations under this Act, are oppressive, unreasonable or unjust.

(2) A member of a registered association may apply to the court for an order declaring that the whole or a part of a rule of the registered association contravenes subsection (1) of this section.

(3) Subject to subsection (4) of this section, the court has jurisdiction to hear and determine an application under subsection (2) of this section.

(4) A registered association in respect of which an application is made under this section shall be given an opportunity of being heard by the court.

(5) An order under this section may declare that the whole or a part of a rule contravenes subsection (1) of this section and, where such an order is made, the rule, or that part of the rule, as the case may be, shall be deemed to be void from the date of the order.

(6) The court may, without prejudice to any other power of the court to adjourn proceedings, adjourn proceedings in relation to an application under this section for such period and upon such terms and conditions as it thinks fit for the purpose of giving the registered association an opportunity to alter its rules.

85b. (1) The court may, upon complaint by any member of a registered association and after giving any person against whom an order is sought an opportunity of being heard, make an order giving directions for the performance or observance of any of the rules of a registered association by any person who is under an obligation to perform or observe those rules.

Power to direct performance of rules.

(2) Any person who fails to comply with such directions shall be guilty of an offence.

Penalty: Fifty pounds.

47. Subsection (1) of section 86 of the principal Act is amended by inserting the following passage at the end thereof:—

Amendment of principal Act, s. 86.

All of the members of the associations so amalgamated (except any member who prior to the amalgamation has given notice to the Registrar and to the association of which he is a member that he does not desire to be a member of the one new association) shall as from the day of registration of such one new association be members of such one new association so registered.

48. Section 88 of the principal Act is amended by inserting at the end thereof the following subsection (the previous portion of the section being designated as subsection (1) thereof):—

Amendment of principal Act, s. 88.

(2) Any such association shall, whenever requested by the Registrar so to do, inform the Registrar whether a specified person is or is not a member of the association.

49. Subsection (1) of section 89 of the principal Act is amended by inserting after the word "exceeding" therein the words "except in the case of an industrial agreement relating solely to long service leave."

Amendment of principal Act, s. 89.

50. Section 91 of the principal Act is amended by inserting the following proviso at the end thereof:—

Amendment of principal Act, s. 91.

Provided that after the commencement of the Industrial Code Amendment Act, 1963, no association or employer shall become a party to an industrial agreement in pursuance of this section unless and until all of the original parties of such an agreement have consented thereto in writing.

Repeal of section 98 of principal Act.

51. Section 98 of the principal Act is struck out.

Amendment of heading.

52. The heading "DIVISION IX.—BREACHES OF AWARDS, OFFENCES AND RECOVERY OF PENALTIES." immediately before section 120 of the principal Act is amended to read "DIVISION IX.—GENERAL PROVISIONS RELATING TO AWARDS."

Amendment of principal Act, s. 120.

53. Section 120 of the principal Act is amended by striking out subsection (1) thereof and inserting in lieu thereof the following subsection :—

(1) If any association, employer or employee commits any breach or non-observance of an award or order (which breach or non-observance is not an offence under any other section of this Act), such association, employer or employee shall be guilty of an offence against this Act.

Penalty : Fifty pounds.

Enactment of ss. 120a, 120b, 120c—

54. The following sections are inserted in the principal Act after section 120 thereof :—

Legal proceedings.

120a. Proceedings in respect of any offence against this Part of this Act shall be commenced within six months after the commission of the offence and in any such proceedings the onus shall be on the defendant to prove—

- i. that the provisions of any award or order of the court with regard to the number or proportionate number of apprentices or improvers or juvenile workers who may be employed have been complied with :
- ii. that a person named as being either an employee of the defendant generally or an employee of the defendant in a certain capacity was not so employed :
- iii. that the premises or place alleged to be within a certain locality or area are or is not therein.

Payment to employee engaged in different classes of work.

120b. (1) Where an employee performs two or more classes of work and the wages prices or rates for such classes of work have been fixed—

- (i) by a determination (or determinations) ; or
- (ii) by two or more awards ; or
- (iii) partly by an award (or awards) and partly by a determination (or determinations),

his employer if bound by any such award or determination shall pay such employee in respect of the time occupied in each class of work at the rate fixed by the award or determination applicable to such class of work.

(2) Where an employee, during the same day, is employed—

- (i) partly at a class of work for which wages prices or rates have been fixed by an award or determination ; or
- (ii) at several classes of work for which different wages prices or rates have been fixed by awards or determinations ; or
- (iii) at several classes of work for which different wages prices or rates have been fixed by awards or determinations,

and also partly at work for which no wages prices or rates have been fixed by an award or determination binding on the employer, the employer shall pay the employee for such day's work as follows :—

- (a) For the time occupied in each class of work for which wages prices or rates have been fixed by an award or determination binding on the employer, at the rate so fixed for such class ;
- (b) For the time occupied in work in any industry for which no wages prices or rates have been fixed by an award or determination binding on the employer, at the award or determination rate applicable to the other portion of such day's work, or, if more than one such rate is so applicable, then at the lower or lowest of such award or determination rates : Provided that if an industrial agreement, which is binding on the employer as regards such employee, fixes wages prices or rates for the work for which no wages prices or rates have been fixed by an award or determination, the rate payable for the time occupied in such work shall be the wages prices or rates fixed by such industrial agreement.

Penalty : Twenty-five pounds.

55. Section 121 of the principal Act is amended—

- (a) by striking out the passage "section 118" in subsection (1) thereof and inserting in lieu thereof the passage "sections 118 and 121c";
- (b) by striking out the words "in money" in the said subsection (1) thereof ;
- (c) by striking out subsections (2), (3) and (4) thereof and inserting in lieu thereof the following subsections :—
 - (2) Every amount payable under subsection (1) of this section shall be paid in money or, if and for

Amendment of
principal Act,
s. 121.

so long as the employee so agrees in writing, or if the employee is an employee of the Crown, by cheque duly met on presentation, or by payment of the said amount into a bank account specified in writing by the employee.

(3) Every employee may recover in a court of competent jurisdiction any amount not paid in accordance with this section: Provided that no amount shall be recoverable under this subsection unless such amount first became payable within twelve months immediately prior to the commencement of legal proceedings under this subsection.

Enactment of principal Act, s. 121a—

56. The following sections are inserted in the principal Act after section 121 thereof:—

Person convicted may be ordered to pay arrears of wages, etc.

121a. (1) The Special Magistrate by whom any person is convicted of any offence against this Part of this Act or any regulation made thereunder may in addition to imposing a fine or penalty or other punishment for such offence, order that the offender shall pay to any person in respect of whom such offence was committed, and who is or has been in the employment of such offender, any sum which, to the satisfaction of the Magistrate, is shown to be due from the said offender to the said person under the award or order as the case may be and which first became payable within twelve months immediately prior to the commencement of proceedings under this subsection, less any deductions made in pursuance of any provision of this Act.

(2) Any sum ordered to be paid under this section may be recovered by the said person, or by an inspector on his behalf, in the same manner as a penalty imposed under this part of this Act for an offence.

(3) If any fine or penalty is imposed for the offence mentioned in subsection (1) hereof, such sum shall, for the purposes of recovering the sum, be treated as part of such fine or penalty.

Penalty for breach of award or order.

121b. If any employee acquiesces in the commission by an employer of any breach or non-observance of an award or order such employee shall be guilty of an offence against this Act.

Penalty: Fifty pounds.

Allowable deductions from wages.

121c. Every employer liable to pay wages prices or rates under an award or order of the court may, at the request in writing of an employee, or if so authorized by the award

or order, deduct from the amount payable to such employee—

(a) any amount agreed to be paid by such employee for or towards the establishment or maintenance of a sick and accident fund for the benefit of the employees of such employer: Provided that—

I. no such deduction shall be lawful unless the Public Actuary has certified that the scheme for the distribution of such fund is equitable, and in the interests of, and for the benefit of such employees :

II. no amount paid to any employee out of such fund shall affect any right, whether at common law or under the provisions of the Workmen's Compensation Act, 1932-1961, the Wrongs Act, 1936-1959, or any Act amending or substituted for either of those Acts, which such employee may have against his employer or any other person to receive compensation in respect of any accident.

(b) any amount payable by such employee to any organization registered as a medical benefits organization or a hospital benefits organization under the Commonwealth National Health Act, 1953-1962, or the regulations thereunder or any amendments thereof ;

(c) any amount or amounts for payment of insurance premiums or contributions to any superannuation scheme or for rent, board and lodging, protective clothing or equipment.

57. Subsection (1) of section 125 of the principal Act is amended by striking out the words "any travelling expenses to which he is entitled" therein and inserting in lieu thereof the words " a reasonable sum for the costs and expenses of attendance".

Amendment of principal Act, s. 125.

58. The following sections are inserted in the principal Act after section 132 thereof :—

Enactment of principal Act, ss. 132a, 132b.

132a. Every employer bound by an award or order shall in respect of the employees to whom the award or order applies—

Employers to keep certain records.

- (a) make and keep a true record of the names and addresses of the persons employed by him and the age of every person under twenty-one years of age and produce such record whenever demanded by an inspector :
- (b) keep, or cause to be kept for a period of twelve months from the dates of the respective entries therein a time book or time or wages record, time card or time sheet, wherein shall be entered (wherever practicable from day to day and in any event within seven days) such employee's times of beginning and of ending work on every day. There shall also be entered therein at the end of each week, fortnight or month, according to the nature of payment, the wages paid ; such time book, time or wages record, time card or time sheet shall be signed (wherever practicable) by the employee concerned at the end of each week, fortnight or month as the case may be and when so signed shall be *prima facie* evidence of the correctness of the contents thereof ;
- (c) keep, or cause to be kept a record of annual and sick leave granted to every employee ;
- (d) produce such time book, time or wages record, time card, time sheet or record of annual and sick leave for inspection whenever production thereof is demanded by an inspector, and allow him to take a copy of any entry in such time book, time or wages record, time card or time sheet, or record of annual and sick leave.

Penalty : Twenty-five pounds.

Copy of award
or order to be
displayed.

132b. Every employer bound by an award or order shall affix and keep affixed in legible characters in some conspicuous place at his principal place of business and at every branch or depot where a substantial number of employees are required to work or report, and so as to be easily read by his employees, a copy of the award or order for the time being in force in respect of his employees.

Penalty : Twenty-five pounds.

Amendment of
Principal Act,
s. 138.

59. Section 138 of the principal Act is amended by striking out the lines "DIVISION III.—Applications pending constitution of new boards : " therein.

60. The heading "*Interpretation*" immediately preceding section 140 of the principal Act and sections 140, 140a, 141 and 142 of the principal Act are struck out.

Repeal of principal Act, ss. 140, 140a and 141.

61. Section 143 of the principal Act is struck out.

Repeal of s. 143 of principal Act.

62. Section 145 of the principal Act is struck out.

Repeal of s. 145 of principal Act.

63. Section 148 of the principal Act is amended by inserting therein after subsection (2) thereof the following subsection:—

Amendment of principal Act, s. 148.

(3) If the employers or employees concerned duly submit the number of nominations required pursuant to section 146, the court shall, having regard to the requirements of subsection (2) of this section, select the persons so nominated unless it is satisfied that there is some reason why it should not do so.

64. Section 151 of the principal Act is amended—

Amendment of principal Act, s. 151.

(a) by striking out the passage "subsection (a) of" in subsection (1) thereof;

(b) by inserting after the word "Upon" at the beginning of subsection (2) thereof the words "the receipt of the nomination or upon".

65. Paragraph (b) of subsection (2) of section 154 of the principal Act is amended by striking out the words "has ceased to" therein and inserting in lieu thereof the words "does not".

Amendment of principal Act, s. 154.

66. Subsection (1) of section 156 of the principal Act is amended—

Amendment of principal Act, s. 156.

(a) by striking out the words "such vacancy occurring" therein and inserting in lieu thereof the words "the receipt by the Minister of notification of such vacancy";

(b) by inserting at the end thereof the words "unless the Minister is of the opinion that by the appointment of the person so nominated a fair representation of the interests of all employers or employees concerned would not be maintained in which event the Minister shall refer the matter to the court and the court shall recommend a person to be appointed to fill the vacancy".

67. The heading "DIVISION III.—APPLICATIONS PENDING CONSTITUTION OF NEW BOARDS." and sections 160 to 166 inclusive of the principal Act are struck out.

Repeal of principal Act, Division III.

Amendment of
principal Act,
s. 167.

68. Section 167 of the principal Act is amended—

- (a) by inserting after the words “payment of” in the proviso to paragraph (a) thereof the words “salaries, or of”;
- (b) by striking out the words “twenty-five pounds per week” in the proviso to paragraph (a) thereof and inserting in lieu thereof the words “twice the amount of the living wage for adult male employees for the time being in force in the metropolitan area”;
- (c) by striking out the words “shall be” in the proviso to paragraph (b) thereof and inserting in lieu thereof the words “shall as regards the work of selling goods be not later than”;
- (d) by inserting after the words “lowest rates” in paragraph (c) thereof the words “and minimum payments”;
- (e) by inserting at the end of the said paragraph (c) thereof the words “and fixing the lowest remuneration for public holidays within the meaning of the Holidays Act, 1910-1959, not worked”;
- (f) by inserting after the word “improvers” (twice occurring) in paragraph (d) thereof the words “or juvenile workers” in each case;
- (g) by inserting therein after paragraph (g) thereof the following paragraph :—
 - (g1) providing for rates for travelling time, payment of fares incurred in the course of employment, the supplying of meals or allowances in lieu thereof, the times at which meals may be taken, the supplying and use of protective personal equipment and (except in respect of any employer to whom Part V of this Act applies) first-aid kits.

Amendment of
principal Act,
s. 176.

69. Section 176 of the principal Act is amended—

- (a) by inserting after the word “calling” in paragraph (b) of subsection (2) thereof the words “or of not less than seventy-five per cent of the employees in such industry or calling, whichever is the lesser”;
- (b) by inserting after the word “calling” in paragraph (c) of the said subsection (2) thereof the words “or not less than seventy-five per cent of the employees in such industry or calling, whichever is the lesser”;

(c) by striking out all the words after the word "association" (second occurring) in paragraph (e) of the said subsection (2) thereof and inserting in lieu thereof the following passage :—

(i) not less than twenty members are employees in such industry or calling ; or

(ii) not less than seventy-five per cent of all the employees in such industry or calling are members,

whichever is the lesser,

(d) by inserting the following paragraph at the end of the said subsection (2) thereof :—

(f) The Railways Commissioner as regards Railway employees.

(e) by inserting the following subsection therein after subsection (3) thereof :—

(4) For the purposes of subsection (2) of this section a board may accept the records (if any) contained in the annual report of the Secretary for Labour and Industry or a certificate from the said Secretary.

70. Subsection (1) of section 177 of the principal Act is amended by striking out the word "parties" (twice occurring) therein and inserting in lieu thereof the words "members of the board".

Amendment of principal Act, s. 177.

71. Section 178 of the principal Act is amended—

Amendment of principal Act, s. 178.

(a) by inserting at the end of subsection (1) thereof the following proviso :—

Provided that it shall not be necessary for a member of a board who has been re-appointed on the expiration of the term of a board of which he has been a member to take a further oath ;

(b) by inserting after subsection (2) thereof the following subsection :—

(3) A person who has been appointed as a member of a board shall not, before first sitting as a member thereof, fail to take an oath in pursuance of the provisions of subsection (1) of this section.

Penalty : Ten pounds.

72. The following section is inserted in the principal Act after section 179 thereof :—

Enactment of principal Act, s. 179a—

179a. (1) Whenever any board by reason of any act or omission by any member or members thereof is unable

Provisions where board unable to act.

to exercise or discharge any of its powers or duties, the chairman shall report the fact to the court by notice addressed to the Registrar.

(2) Notwithstanding any other provision of this Act the court may, after receiving any report pursuant to subsection (1) of this section, direct the board or the chairman to make a determination or itself make a determination concerning the matter in respect of which the board has been unable to exercise or discharge its powers or duties. Any such determination shall have the force and effect of a determination of the board.

Amendment of
principal Act,
s. 180.

73. Paragraph (f) of section 180 of the principal Act is struck out and the following paragraph is inserted in lieu thereof:—

(f) If the chairman has been unable to bring the members of the board to agreement with respect to any matter referred to in an application or reference, the same shall be put to the vote. Each member, except the chairman, shall have one vote; and where the votes for and against any such matter are equal, the chairman shall decide the matter and shall not, in so deciding, be limited to voting for or against a particular motion or amendment but may give such decision as he thinks fit so as to determine the matter having regard to its substantial merits.

Amendment of
principal Act,
s. 181.

74. Section 181 of the principal Act is amended by adding at the end thereof the following subsections (the previous portion of the section being designated as subsection (1) thereof):—

(2) The chairman may request the President or Registrar to summon in the prescribed form any person to appear and give evidence before the board and the President or Registrar may issue a summons accordingly.

(3) Any person summoned in pursuance of this section shall appear before the board and continue his attendance as directed by the chairman and in default shall be liable to a penalty not exceeding fifty pounds.

(4) Any person so summoned who attends pursuant to the summons and continues his attendance as directed by the chairman shall be entitled to the prescribed allowance for his attendance and expenses.

Amendment of
principal Act,
s. 186.

75. Section 186 of the principal Act is amended by striking out subsection (2) thereof.

Repeal of
principal Act,
s. 188.

76. Section 188 of the principal Act is struck out.

Repeal of
principal Act,
s. 192.

77. Section 192 of the principal Act is struck out.

78. Subsection (1) of section 194 of the principal Act is amended— Amendment of principal Act, s. 194.

(a) by striking out the words “quarterly computation” therein and inserting in lieu thereof the word “proclamation”;

(b) by inserting the following proviso at the end of paragraph (b) thereof :—

Provided that notwithstanding any other provision of this subsection, where a wages price or rate mentioned in this paragraph is expressed as a percentage of a rate for adult male employees the provisions of this paragraph shall not apply and the determination shall be construed as meaning that such wages price or rate shall be the percentage of the adult male rate as increased or decreased in accordance with paragraph (a) of this subsection.

79. Section 196 of the principal Act is amended— Amendment of principal Act, s. 196.

(a) by inserting after paragraph (b) of subsection (1) thereof the following passage :—

and

(c) against the determination of a board challenging or disputing the determination or part of the determination for the illegality thereof.

(b) by inserting therein after subsection (2) thereof the following subsection :—

(3) No determination of a board shall be, in any other manner, challenged or disputed for the illegality thereof.

80. Section 197 of the principal Act is struck out. Repeal of principal Act, s. 197.

81. Section 201 of the principal Act is amended to read as follows :— Amendment of principal Act, s. 201—

201. (1) Where an employee performs two or more classes of work and the wages prices or rates for such classes of work have been fixed— Payment of employee engaged in two or more classes of work.

(i) by a determination (or determinations); or

(ii) by two or more awards; or

(iii) partly by an award (or awards) and partly by a determination (or determinations),

his employer, if bound by any such award or determination, shall pay such employee in respect of the time occupied

in each class of work at the rate fixed by the award or determination applicable to such class of work.

(2) Where an employee, during the same day, is employed—

- (i) partly at a class of work for which wages prices or rates have been fixed by an award or determination ; or
- (ii) at several classes of work for which different wages prices or rates have been fixed by awards or determinations ; or
- (iii) at several classes of work for which different wage prices or rates, have been fixed by awards or determinations,

and also partly at work for which no wages prices or rates have been fixed by an award or determination binding on the employer, the employer shall pay the employee for such day's work as follows :—

- (a) For the time occupied in each class of work for which wages prices or rates have been fixed by an award or determination binding on the employer, at the rate so fixed for such class ;
- (b) For the time occupied in work in any industry for which no wages prices or rates have been fixed by an award or determination binding on the employer, at the award or determination rate applicable to the other portion of such day's work, or, if more than one such rate is so applicable, then at the lower or lowest of such award or determination rates : Provided that if an industrial agreement, which is binding on the employer as regards such employee, fixes wages prices or rates for the work for which no wages prices or rates have been fixed by an award or determination, the rate payable for the time occupied in such work shall be the wages prices or rates fixed by such industrial agreement.

Penalty : Twenty-five pounds.

Amendment of
principal Act,
s. 203.

82. Paragraph (b) of section 203 of the principal Act is amended by striking out all the words after the word "recover" therein and inserting in lieu thereof the words "in a court of competent jurisdiction the full amount thereof less any amount actually received by such employee".

Amendment of
principal Act,
s. 204.

83. Paragraph (b) of section 204 of the principal Act is amended by striking out all the words after the word "recover" therein and inserting in lieu thereof the words "in a court of

competent jurisdiction the full amount thereof, less any amount actually received by such employee”.

84. Section 205 of the principal Act is amended—

Amendment of
principal Act,
s. 205.

- (a) by inserting after the word “request” therein the words “in writing”;
- (b) by inserting therein after the word “employee” first occurring therein the words “or if so authorized by the appropriate determination” ;
- (c) by inserting therein after the word “employee” second occurring therein the symbol “(a)”;
- (d) by striking out the passage “1932, the Employers’ Liability Act, 1934,” therein and inserting in lieu thereof the passage “1932-1961, the Wrongs Act, 1936-1959,” ;
- (e) by inserting at the end thereof the following paragraphs :—
 - (b) any amount payable by such employee to any organization registered as a medical benefits organization or a hospital benefits organization under the Commonwealth National Health Act, 1953-1962, or the regulations thereunder or any amendments thereof ;
 - (c) any amount or amounts for the payment of insurance premiums or contributions to any superannuation scheme or for rent, board and lodging, protective clothing or equipment.

85. Section 206 of the principal Act is amended to read as follows :—

Amendment of
principal Act,
s. 206—

206. (1) When an employee does any work for which the wages or rate of payment has been fixed by a determination the employer of such person in respect of such work if bound by such determination shall subject to the provisions of sections 118, 170 and 205, pay such employee the full amount of such wages prices or rates or piece work prices or rates without any deduction, and in default thereof shall be guilty of committing a breach of such determination.

Employees to
be paid in
money.

(2) Every amount payable under subsection (1) of this section shall be paid in money or, if and for so long as the employee so agrees in writing, or if the employee is an employee of the Crown by cheque duly met on presentation, or by payment thereof into a bank account specified in writing by the employee.

(3) Every employee may recover in a court of competent jurisdiction any amount not paid in accordance with this section : Provided that no amount shall be recoverable under this subsection unless such amount first became payable within twelve months immediately prior to the commencement of legal proceedings under this subsection.
Penalty : Fifty pounds.

Repeal of
principal Act,
s. 207.

86. Section 207 of the principal Act is struck out.

Repeal of
principal Act,
s. 208

87. Section 208 of the principal Act is struck out.

Repeal of
principal Act,
s. 209.

88. Section 209 of the principal Act is struck out.

Amendment of
principal Act,
s. 209a—

89. Section 209a of the principal Act is amended to read as follows :—

Penalty for
breach of
determination.

209a. (1) If any association employer or employee commits any breach or non-observance of a determination (which breach or non-observance is not an offence under any other section of this Act), such association employer or employee shall be guilty of an offence against this Act.
Penalty : Fifty pounds.

(2) When any association or person is convicted of an offence under subsection (1) hereof, the Special Magistrate, if of opinion that the breach or non-observance was committed in wilful defiance of the determination may, on motion or without motion, in addition to any penalty imposed, grant a writ of injunction to restrain such association or person from committing any further or other breach or non-observance of the determination.

(3) No such person shall disobey a writ granted under subsection (2) of this section.

Penalty : Imprisonment for three months.

(4) No such association shall disobey a writ granted under subsection (2) of this section.

Penalty : Two hundred and fifty pounds.

Enactment of
s. 209b of
principal Act—

90. The following section is inserted in the principal Act after section 209a thereof :—

Penalty on
employee
acquiescing in
breach of
determination.

209b. If any employee acquiesces in the commission by an employer of any breach or non-observance of a determination such employee shall be guilty of an offence against this Act.

Penalty : Fifty pounds.

Enactment of
s. 211a of
principal Act—

91. The following section is inserted in the principal Act after section 211 thereof :—

211a. A copy of every determination made or to be made by any board, and all correspondence connected with the making of any such determination or order shall—

Copy of determination to be filed and open for inspection.

- (a) forthwith be forwarded to and filed in the office of the Secretary for Labour and Industry ; and
- (b) be open for inspection by any person interested in or affected by any such determination or order.

92. Section 214 of the principal Act is struck out.

Repeal of s. 214 of principal Act.

93. Section 216 of the principal Act is amended—

Amendment of principal Act, s. 216.

(a) by striking out paragraphs (a), (b), (c), (d) and (e) of subsection (1) thereof and inserting in lieu thereof the following paragraphs :—

- (a) make and keep a true record of the names and addresses of the persons employed by him and the age of every person under 21 years of age and produce such record whenever demanded by an inspector ;
- (b) keep, or cause to be kept for a period of twelve months from the dates of the respective entries therein a time book or time or wages record, time card or time sheet, wherein shall be entered (wherever practicable from day to day and in any event within seven days) such employee's times of beginning and of ending work on every day. There shall also be entered therein at the end of each week, fortnight or month according to the nature of the payment, the wages paid ; such time book, time or wages record, time card or time sheet shall be signed (wherever practicable) by the employee concerned at the end of each week, fortnight or month as the case may be and when so signed shall be *prima facie* evidence of the correctness of the contents thereof ;
- (c) keep, or cause to be kept a record of annual and sick leave granted to every employee of such employer to whom the determination applies ;
- (d) produce such time book, time or wages record, time card, time sheet or record of annual and sick leave for inspection whenever production thereof is demanded by an inspector and allow him to take a copy of any

entry in such time book, time or wages record, time card, or time sheet, or record of annual and sick leave.

(b) by striking out subsections (2) and (3) thereof.

Amendment of principal Act, s. 217.

94. Section 217 of the principal Act is amended—

(a) by striking out the passage “or an agreement under section 98” therein ;

(b) by striking out all the words after the word “shall” and inserting therein in lieu thereof the words “affix and keep affixed in legible characters in some conspicuous place at his principal place of business and at every branch or depot where a substantial number of employees are required to work or report, and so as to be easily read by his employees a copy of a determination for the time being in force in respect of his employees.

Penalty : Twenty-five pounds.”

Repeal of s. 218 of principal Act.

95. Section 218 of the principal Act is struck out.

Amendment of principal Act, s. 224.

96. Section 224 of the principal Act is amended by striking out the words “Chief Inspector” wherever occurring therein and inserting in lieu thereof the words “Secretary for Labour and Industry” in each case.

Repeal of principal Act, ss. 227 to 232.

97. The heading “DIVISION XIII.—POWERS AND DUTIES OF INSPECTORS.” and sections 226, 227, 228, 229, 230, 231 and 232 of the principal Act are struck out.

Amendment of principal Act, s. 234.

98. Subsection (1) of section 234 of the principal Act is amended by striking out the words “Chief Inspector” therein and inserting in lieu thereof the words “Secretary for Labour and Industry”.

Amendment of principal Act, s. 235—

99. Section 235 of the principal Act is amended to read as follows :—

Onus of proof.

235. Proceedings in respect of any offence against this Part of this Act shall be commenced within six months after the commission of the offence and in any such proceedings the onus shall be on the defendant to prove—

- i. that the provisions of any determination of a board with regard to the number or proportionate number of apprentices or improvers or juvenile workers who may be employed have been complied with :
- ii. that a person named as being either an employee of the defendant generally or an employee

of the defendant in a certain capacity was not so employed :

III. that the premises or place alleged to be within a certain locality or area are or is not therein.

100. Subsection (1) of section 243 of the principal Act is amended— Amendment of principal Act, s. 243.

- (a) by striking out the passage “for wages, salary, payment for overtime, or tea money, or otherwise” therein ;
- (b) by inserting at the end thereof the words “and which first became payable within twelve months immediately prior to the commencement of proceedings under this subsection, less any deductions made in pursuance of any provision of this Act”.

101. Section 250 of the principal Act is amended— Amendment of principal Act, s. 250.

- (a) by striking out the line “DIVISION I.—Interpretation :” therein ;
- (b) by inserting therein after the line “DIVISION IV.—Living Wage :” the line “DIVISION IVA.—Demarcation of Callings :”.

102. The heading “DIVISION I.—INTERPRETATION.” immediately preceding section 251 of the principal Act and sections 251 and 251a of the principal Act are struck out. Repeal of principal Act, ss. 251 and 251a.

103. Section 253 of the principal Act is amended by striking out the proviso at the end of subsection (2) thereof. Amendment of principal Act, s. 253.

104. Section 258 of the principal Act is amended by inserting at the end thereof the following passage :— Amendment of principal Act, s. 258.

and

- (e) to decide questions in pursuance of section 269d.

105. Section 269a of the principal Act is struck out. Repeal of s. 269a of principal Act.

106. The following heading and section are inserted in the principal Act after section 269c thereof :— Enactment of heading and new section after s. 269c—

DIVISION IVA.—DEMARCATIION OF CALLINGS.

269d. (1) Where it appears to the Board of Industry that a question of substance has arisen as to the rights of employees in a specified craft, occupation or calling to do certain work or a certain kind of work in an industry, to the exclusion of employees in all, or some specified, crafts, occupations or callings, the Board may, on application made by any employees concerned, or a registered association whose members are concerned, or the employer or employers

Powers of Board with respect to demarcation of callings.

of any of the employees concerned, decide such question. In considering such question the Board of Industry shall also have power to decide whether employees in certain specified crafts occupations or callings shall have similar rights to perform certain work or a certain kind of work in such industry. The Board of Industry shall have power to incorporate its decision in an order and such order shall operate and have effect as a determination of an industrial board but there shall be no appeal from any such order to the court.

(2) The provisions of this section shall apply in respect of and throughout the whole of the State.

Amendment of
principal Act,
s. 273.

107. Section 273 of the principal Act is amended by inserting the following proviso at the end thereof :—

Provided that it shall not be necessary for a member of the Board of Industry who has been reappointed on the expiration of his term of office to take a further oath.

Amendment of
heading in
principal Act.

108. The heading "FACTORIES AND SHOPS." immediately preceding section 276 of the principal Act is amended to read "FACTORIES, SHOPS, OFFICES AND WAREHOUSES."

Amendment of
principal Act,
s. 276.

109. Section 276 of the principal Act is amended—

- (a) by striking out the lines "DIVISION II.—Appointment of officers (section 281):", "DIVISION VI.—Powers and duties of inspectors (sections 294 to 302):", "DIVISION X.—Lime washing (sections 314 and 315):" and "DIVISION XI.—Bakehouses (sections 316 and 317):" therein;
- (b) by striking out the words "Dust-generating factories" therein and inserting in lieu thereof the words "Factories in which dust is generated";
- (c) by inserting therein after the line commencing "DIVISION XII" the line "DIVISION XIII.—Foundries and welding (sections 318a and 318b):";
- (d) by striking out the words "Openings, lifts, and dangerous machines" therein and inserting in lieu thereof the words "Cranes, hoists and dangerous machines";
- (e) by striking out the word "Grindstones" therein and inserting in lieu thereof the words "Grinding wheels";
- (f) by striking out the lines "DIVISION XXI.—Employment of persons under sixteen years (sections 351 to 355):" and "DIVISION XXII.—Working hours in factories where Chinese employed (sections 356 to 358):".

110. The heading "*Interpretation.*" and section 279 of the principal Act are struck out.

Repeal of
s. 279 of
principal Act.

111. The heading "DIVISION II.—APPOINTMENT OF OFFICERS." immediately preceding section 281 of the principal Act and the said section 281 are struck out.

Repeal of
s. 281 of
principal Act.

112. Section 282 of the principal Act is amended by inserting the following words at the beginning thereof "Except as provided in subsection (7) of section 283".

Amendment of
principal Act,
s. 282.

113. Section 283 of the principal Act is amended—

Amendment of
principal Act,
s. 283.

- (a) by striking out paragraph (a) of subsection (1) thereof ;
- (b) by inserting after the word "factory" at the end of the said subsection (1) thereof the words "with the Secretary for Labour and Industry";
- (c) by striking out the words "five years" in subsection (2) thereof and inserting in lieu thereof the word "year";
- (d) by striking out all the words in subsection (3) thereof after the words "prescribed form";
- (e) by striking out paragraph (a) of subsection (5) thereof ;
- (f) by striking out the words "within twenty-one days of" in paragraph (b) of subsection (5) thereof and inserting in lieu thereof in each case the word "before" ;
- (g) by striking out the passage "within twenty-one days of such building or place becoming or again becoming" in paragraph (c) of subsection (5) thereof and inserting in lieu thereof the passage "before such building or place becomes" ;
- (h) by inserting the following subsections therein after subsection (6) thereof :—

(7) Upon an application for registration of a building or place which becomes for the first time or after a period of disuse again becomes a factory, the Chief Inspector may, pending inspection and registration thereof, issue a provisional permit for the occupation and use of such factory upon and subject to such conditions as are contained in the permit.

(8) Notwithstanding anything contained in this section the following provisions shall apply in any case where any person goes into occupation of, or occupies, a factory in the same building as a shop of which he is the occupier :—

(a) If the majority of the persons employed therein are employed in the shop the factory shall be deemed to be registered for the purposes of this Act if, and during such time as, the shop is registered for the purposes of Part IV of the Early Closing Act, 1926-1960 ;

(b) In all other cases, if the factory is registered in accordance with subsections (1) to (6) of this section, the shop shall be deemed to be registered for the purposes of Part IV of the Early Closing Act, 1926-1960.

Repeal of
s. 285 of
principal Act.
Amendment of
principal Act,
s. 287

114. Section 285 of the principal Act is struck out.

115. Section 287 of the principal Act is amended by striking out the words "Chief Inspector" therein and inserting in lieu thereof the words "Secretary for Labour and Industry".

Repeal of
s. 288 of
principal Act.
Amendment of
principal Act,
s. 289.

116. Section 288 of the principal Act is struck out.

117. Section 289 of the principal Act is amended—

(a) by striking out the words "Chief Inspector" in subsection (1) thereof and inserting in lieu thereof the words "Secretary for Labour and Industry";

(b) by inserting therein after subsection (2) thereof the following subsection :—

(3) Every occupier of a factory shall by written notice advise the Secretary for Labour and Industry of the full name and address of every person who outside any factory wholly or partially prepares or manufactures either directly or indirectly any article for such occupier for trade or sale.

Amendment of
principal Act,
s. 290.

118. Section 290 of the principal Act is amended by striking out all the words after the word "shall" in the first line thereof and inserting in lieu thereof the words "make and keep for the prescribed period a record of the names and addresses of the persons employed therein, and also the age of every such person under the age of twenty-one years, and shall produce such record whenever demanded by an inspector.

Penalty : Fifty pounds."

Repeal of
s. 291 of
principal Act.
Amendment of
principal Act,
s. 292.

119. Section 291 of the principal Act is struck out.

120. Section 292 of the principal Act is amended—

(a) by inserting before the word "inspectors" in subsection (2) thereof the words "Secretary for Labour and Industry and the";

(b) by striking out the words "Chief Inspector" in subsections (3) and (4) thereof and inserting in lieu thereof in each case the words "Secretary for Labour and Industry".

121. The heading "DIVISION VI.—POWERS AND DUTIES OF INSPECTORS" and sections 294 to 302 inclusive of the principal Act are struck out.

Repeal of principal Act ss. 294 to 302

122. Section 303 of the principal Act is amended by striking out all the words therein after the word "drain" and inserting in lieu thereof the words "sanitary convenience or nuisance".

Amendment of principal Act, s. 303.

123. Subsection (1) of section 304 of the principal Act is amended by inserting therein after paragraph (c) thereof the following paragraph:—

Amendment of principal Act, s. 304.

(d) shall be provided with adequate artificial lighting where natural lighting is insufficient.

124. (1) Subsection (1) of section 306 of the principal Act is struck out and the following subsection inserted in lieu thereof:—

Amendment of principal Act, s. 306.

(1) Written notice shall be given by an inspector to the occupier of a factory, shop, office or warehouse which, or any part of which or any machinery wherein, in the opinion of the inspector is defective because it—

- (a) does not conform with this Act; or
- (b) does not conform with the regulations; or
- (c) is dilapidated; or
- (d) is unsafe; or
- (e) is injurious to health.

(2) Subsections (3) to (6) inclusive of the said section 306 are struck out and the following subsection is inserted in lieu thereof:—

(3) An occupier who fails or neglects to complete such repairs, alterations or improvements within the period specified in that behalf in such notice shall, unless he satisfies the court that such factory, shop, office or warehouse or such part thereof or machinery therein was not defective in any of the matters set forth in the notice, be guilty of an offence.

Penalty: Not less than fifty pounds and not exceeding two hundred and fifty pounds.

125. Section 307 of the principal Act is struck out and the following section is inserted in lieu thereof:—

Repeal and re-enactment of principal Act, s. 307—
Sanitary conveniences.

307. (1) Sufficient and suitable sanitary conveniences for the persons employed in any factory, shop, office or

warehouse shall be provided, maintained and kept clean, and effective provision shall be made for lighting them and, where persons of both sexes are, or are intended to be, employed (except in the case of a factory, shop, office or warehouse where the only persons employed are members of the same family dwelling there) the conveniences shall afford separate accommodation for persons of each sex.

(2) Regulations may be made determining for factories, shops, offices and warehouses what is sufficient and suitable provision for the purposes of this section.

(3) Any factory, shop, office or warehouse in which sufficient or suitable provision in accordance with this section is not made shall for the purposes of section 306 be deemed to be defective and the provisions of that section shall apply in relation to that factory, shop, office or warehouse and in its application shall be construed as if the word "owner" were substituted for the word "occupier" wherever the word "occupier" occurs therein.

Amendment of
principal Act,
s. 308.

126. Section 308 of the principal Act is amended—

- (a) by inserting in subsection (1) thereof after the word "factory" therein the words "shop, office or warehouse";
- (b) by inserting in the said subsection (1) thereof after the word "passages" therein the word "passageways";
- (c) by inserting in subsection (2) thereof after the word "passage" therein the word "passageway".

Amendment of
principal Act,
s. 309.

127. Section 309 of the principal Act is amended—

- (a) by striking out subsection (1) thereof and inserting in lieu thereof the following subsection:—

(1) The occupier of a factory, shop, office or warehouse shall keep all prescribed appliances for the prevention and extinction of fire in a constant state of repair and available for immediate use and shall take such other precautions for the prevention and extinction of fire as may be prescribed.

- (b) by inserting in subsection (2) thereof after the word "factory" therein the words "shop, office or warehouse".

Repeal of
principal Act,
s. 310.

128. Section 310 of the principal Act is struck out.

Amendment of
principal Act,
s. 311.

129. Section (1) of section 311 of the principal Act is amended by inserting at the beginning thereof the words "In addition to the provisions of section 308".

- 130.** Section 312 of the principal Act is amended by inserting after the word "warehouse" therein the words "every office". Amendment of principal Act, s. 312.
- 131.** Section 313 of the principal Act is struck out. Repeal of principal Act, s. 313.
- 132.** The heading "DIVISION X.—LIME WASHING" and sections 314 and 315 of the principal Act are struck out. Repeal of Division x of Part v of the principal Act.
- 133.** The heading "DIVISION XI.—BAKEHOUSES" and sections 316 and 317 of the principal Act are struck out. Repeal of Division xi of Part v of the principal Act.
- 134.** The heading "DIVISION XII.—DUST GENERATING FACTORIES" before section 318 of the principal Act is struck out and the heading "DIVISION XII.—FACTORIES IN WHICH DUST IS GENERATED" is inserted in lieu thereof. Repeal and re-enactment of heading Division xii of principal Act.
- 135.** The following heading and sections are inserted in the principal Act after section 318 thereof:— Enactment of ss. 318a and 318b of principal Act—
- DIVISION XIIA.—FOUNDRIES AND WELDING.
- 318a.** The occupier of every foundry shall comply with all such regulations concerning safety and ventilation as may be prescribed and shall provide such protective equipment as may be prescribed. Foundries.
- Penalty : Twenty-five pounds.
- 318b.** The occupier of every factory wherein any welding operations are carried on shall comply with all such regulations concerning safety and ventilation as may be prescribed and shall provide such protective equipment as may be prescribed. Welding.
- Penalty : Twenty-five pounds.
- 136.** Paragraph (b) of subsection (1) of section 321 of the principal Act is amended by striking out the words "hoist or teagle" therein and inserting in lieu thereof the words "hoisting appliance". Amendment of principal Act, s. 321.
- 137.** The heading "DIVISION XV.—OPENINGS, LIFTS, AND DANGEROUS MACHINES" immediately preceding section 324 of the principal Act is struck out and the heading "DIVISION XV.—CRANES, HOISTS, AND DANGEROUS MACHINES" is inserted in lieu thereof. Repeal and re-enactment of heading Division xv of principal Act.
- 138.** Sections 324 and 325 of the principal Act are amended by striking out the word "lift" therein and inserting in lieu thereof the words "crane or hoist" in each case. Amendment of principal Act, s. 324.

Amendment of
principal Act,
s. 326.

139. Section 326 of the principal Act is amended by striking out the word "machine" (twice occurring) therein and inserting in lieu thereof in each case the word "machinery".

Repeal and
re-enactment
of heading
Division XVI
of principal
Act.

140. The heading "DIVISION XVI.—GRINDSTONES" immediately preceding section 327 of the principal Act is struck out and the heading "DIVISION XVI.—GRINDING WHEELS" is inserted in lieu thereof.

Amendment of
principal Act,
s. 327.

141. Subsection (1) of section 327 of the principal Act is amended by striking out the word "grindstone" therein and inserting in lieu thereof the words "grinding wheel".

Amendment of
principal Act,
s. 328.

142. Section 328 of the principal Act is amended—

- (a) by striking out the words "watercloset, earthcloset, privy, ashpit," in subsection (1) thereof and inserting in lieu thereof the words "sanitary convenience,";
- (b) by striking out the passage "board of health for the district in which such factory is situate" at the end of subsection (1) thereof and inserting in lieu thereof the words "Central Board of Health";
- (c) by striking out the passage "officer of health, inspector of nuisances or other officer of the board" in subsections (3) and (4) thereof and inserting in lieu thereof in each case the passage "officer of the Central Board of Health".

Amendment of
principal Act,
s. 329—

143. Section 329 of the principal Act is struck out and the following section is inserted in the principal Act in lieu thereof:—

Notice of
accidents in
factories.

329. (1) This section shall apply to every accident which occurs in any factory and—

- (a) which causes loss of life to an employee; or
- (b) incapacitates an employee for work for more than twenty-four hours.

(2) Whenever an accident to which this section applies occurs, the occupier of the factory concerned shall make and keep for the prescribed period a record relating to the accident containing such of the particulars referred to in paragraph (c) of subsection (3) of this section as are appropriate, and in the case of any such accident which causes loss of life or incapacitates a person for three days or more the said occupier shall send written notice thereof to the Chief Inspector.

(3) A notice under subsection (2) of this section shall—

- (a) if a death occurs as a result of the accident be sent immediately after the occupier becomes aware of such death; and

(b) in all other cases be sent within twenty-four hours after the occupier becomes aware of the fact that the employee will be incapacitated for three days or more ; and

(c) state the cause of death or the cause and nature of the accident, the nature and extent of the injuries sustained by any person, the name and residence of any person killed or injured and such other particulars as may be prescribed.

(4) A person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence.

Penalty : Twenty pounds.

144. Section 330 of the principal Act is struck out.

Repeal of principal Act s. 330.

145. Section 331 of the principal Act is struck out.

Repeal of principal Act, s. 331.

146. Subsection (2) of section 332 of the principal Act is struck out.

Amendment of principal Act, s. 332

147. Section 333 of the principal Act is struck out.

Repeal of principal Act, s. 333.

148. Section 334 of the principal Act is amended by striking out the words "any part" therein and inserting in lieu thereof the words "that part".

Amendment of principal Act, s. 334.

149. Section 336 of the principal Act is amended to read as follows :—

Amendment of principal Act, s. 336—

336. No occupier of a factory shall employ therein a girl under the age of sixteen years on any process in the making or finishing of bricks or tiles, not being ornamental tiles.

Restriction of employment in brick and tile making.

Penalty : Twenty-five pounds.

150. Sections 337, 338 and 339 of the principal Act are struck out.

Repeal of principal Act, ss. 337 to 339.

151. Section 340 of the principal Act is struck out and the following section is inserted in lieu thereof :—

Repeal and re-enactment of principal Act, s. 340—

340. No occupier of a factory, shop, office or warehouse shall employ or permit to be employed therein any female person under the age of eighteen years or any male person under the age of sixteen years—

Working hours for females and young persons.

(a) for more than forty-eight hours in any one week ;
or

(b) for more than ten hours in any one day ; or

(c) between the hours of ten o'clock in the evening on any one day and six o'clock in the morning on the following day,

unless the award or determination applying to such occupier otherwise provides.

Penalty : Twenty-five pounds.

Repeal of principal Act, ss. 341 to 345.

152. Sections 341, 342, 343, 344 and 345 of the principal Act are struck out.

Amendment of principal Act, s. 346—

153. Section 346 of the principal Act is amended to read as follows :—

Management of cranes and hoists.

346. No occupier of a factory or warehouse shall permit or suffer any person under the age of eighteen years to have the care, custody, management or working of a crane or hoist in that factory or warehouse without the approval in writing of the Chief Inspector.

Penalty : Twenty-five pounds.

Amendment of principal Act, s. 347—

154. Section 347 of the principal Act is amended to read as follows :—

Prohibition of girls carrying heavy weights.

347. No person shall require or knowingly permit any female person under the age of eighteen years to lift or carry by hand a greater weight than twenty-five pounds and no female person of any age shall be required or knowingly permitted to lift or carry by hand a greater weight than thirty-five pounds.

Penalty : Twenty-five pounds.

Amendment of principal Act, s. 348.

155. Paragraph (a) of subsection (1) of section 348 of the principal Act is amended by inserting after the word "machinery" therein the words "or any moving part of the manufacturing machinery while such machinery is in motion".

Repeal of certain sections of the principal Act.

156. Sections 349 to 350 of the principal Act are struck out.

Repeal of principal Act, Divisions XXI and XXII.

157. (1) The heading "DIVISION XXI.—EMPLOYMENT OF PERSONS UNDER SIXTEEN YEARS" and sections 351 to 355 inclusive of the principal Act are struck out.

(2) The heading "DIVISION XXII.—WORKING HOURS IN FACTORIES WHERE CHINESE EMPLOYED" and sections 356 to 358 inclusive of the principal Act are struck out.

Repeal and re-enactment of principal Act, s. 359—

158. Section 359 of the principal Act is struck out and the following section is inserted in lieu thereof :—

Interval for meals.

359. No employer shall employ continuously in any factory for more than five hours without an interval of

at least half an hour for a meal any woman, young person or child.

Penalty : Ten pounds.

159. Section 360 of the principal Act is amended—

Amendment of principal Act, s. 360.

(a) by inserting at the end of subsection (1) thereof the following proviso :—

Provided that the Chief Inspector may exempt any occupier of a factory from compliance with this subsection if the Chief Inspector is satisfied that the nature and continual process of the work carried on necessitates any employee taking a meal during working hours in the vicinity of the work or process in which he is engaged ;

(b) by striking out subsection (3) thereof and inserting in lieu thereof the following subsections :—

(3) An employer of more than fifty employees shall provide a separate room or portion of the factory or workshop as a dining room wherein the employer shall provide adequate table and seating accommodation, unless exempted by the Chief Inspector.

(4) The Chief Inspector may, when in his opinion it is desirable to do so, require an employer of fifty or less employees to provide a separate room or portion of the factory or workshop as a dining room, and within the time specified by the Chief Inspector in that behalf the employer shall comply therewith and shall provide adequate table and seating accommodation.

160. Section 362 of the principal Act is struck out.

Repeal of principal Act, s. 362.

161. Section 363 of the principal Act is amended by striking out the words “or bake-house” wherever occurring therein and inserting in lieu thereof the words “shop, office or warehouse” in each case.

Amendment of principal Act, s. 363.

162. Section 377 of the principal Act is struck out.

Repeal of principal Act, s. 377.

163. The following sections and heading are inserted in the principal Act after section 377 thereof—

Enactment of ss. 378 to 388 of principal Act—

378. An inspector may enter inspect and examine at all reasonable times any place which he has reasonable cause to believe to be a factory, shop, office or warehouse.

Power to inspect factory, etc.

379. Every inspector as regards any premises or place or any ship or vessel of any kind whatsoever, wherein or

Powers of inspectors.

in respect of which any industry is carried on or any work is being or has been done or commenced or any matter or thing is taking or has taken place in relation to which any industrial matter exists, or any award or order of the court or a determination of a board has been made, or any offence against this Act is suspected or as regards any factory, shop, office or warehouse may—

- (a) enter, inspect and examine any such premises, place, ship, vessel, factory, shop, office or warehouse at any time when he has reasonable cause to believe that any person is employed therein ;
- (b) take with him into any such premises, place, ship, vessel, factory, shop, office or warehouse a member of the police force when he has reasonable cause to apprehend any obstruction in the execution of his duty ;
- (c) question, with respect to matters under this Act, every person whom he finds in or about any such premises, place, ship, vessel, factory, shop, office, or warehouse, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed therein, and require such person to answer the questions put and sign a declaration of the truth of his answers ;
- (d) require the production of any book, notice, record, list, or document which is by any Part of this Act required to be kept or exhibited, or any indenture of apprenticeship, and inspect, examine, and copy the same ;
- (e) require the production of, and inspect, examine, and copy all pay-sheets or books wherein an account is kept of the actual wages (whether by piece work or not) paid to any employee whose wages are fixed by the court or a board ;
- (f) exercise such powers and authorities as may be prescribed.

Inspector may
be accom-
panied by
interpreter.

380. (1) An inspector entering, inspecting, and examining any such premises, place, ship, vessel, or factory, shop, office or warehouse may take with him an interpreter.

(2) Any question or requisition made on behalf of such inspector by such interpreter shall be deemed to have been put or made by the inspector, and the answer thereto made to the interpreter shall be deemed to have been made to the inspector.

381. An inspector may—

- (a) inspect and examine any machinery (in operation if so required by such inspector) in any factory, shop, office, or warehouse ;
- (b) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and of all health laws are complied with as regards any factory, shop, office or warehouse and the employees therein ;
- (c) report to the Central Board of Health any breaches of the health laws.

Powers of inspection and inquiry.

382. Every employer and every occupier of a factory, shop, office or warehouse shall at all reasonable times furnish the means required by an inspector necessary for the exercise of his duties and powers.

Occupiers to allow entry and inspection.

383. Every inspector, to whom such duties are assigned, shall see that the provisions of awards and orders of the court, and determinations of boards are duly observed.

Duty of inspectors.

384. Every order, requisition, or determination made by an inspector shall be in writing, and served on the employer or if made in relation to a factory, shop, office or warehouse on the occupier.

Orders, etc. to be in writing.

385. Every inspector—

- (a) shall be furnished with a certificate of his appointment ; and
- (b) on applying for admission to any premises, place, ship, vessel, factory, shop, office, or warehouse, or any place which he has reason to believe to be a factory, shop, office, or warehouse, shall, if required, produce such certificate to the employer, occupier or person in charge.

Certificate of appointment of inspectors.

386. No person shall—

- (a) hinder or disturb an inspector or interpreter in the execution of his duties or powers ; or
- (b) omit to comply with the requirements of section 382, or of any direction which the inspector is authorized to give pursuant to this Act ; or
- (c) omit to truly answer or reply to any question which any inspector is authorized to ask under section 379 ; or
- (d) fail to produce any book, notice, record, list, document or indenture of apprenticeship which, pursuant to section 379, he is required by an inspector to produce ; or

Obstruction a breach of this Act.

- (e) directly or indirectly prevent any person from appearing before or being questioned by an inspector.

Penalty : Fifty pounds.

Penalty for
forgery, etc.,
of certificate.

387. No person shall—

- (a) forge or counterfeit any certificate of appointment ;
or
(b) make use of any forged, counterfeited, or false certificate ; or
(c) falsely pretend to be an inspector under this Act.

Penalty : Six months' imprisonment.

PART VII.

ANNUAL REPORT.

Annual report.

388. (1) The Secretary for Labour and Industry shall prepare an annual report for the Minister.

(2) Such report shall be of a general character and shall include such matters as the Minister may request for the purpose of informing Parliament of the activities of the Department of Labour and Industry, and not only of matters contained in this Act.

(3) Such report shall not divulge the contents of any record of persons employed, or of work done, except in the compilation of general statistical information.

Repeal of
Fifth Schedule
of principal
Act.

164. The Fifth Schedule to the principal Act is struck out.

Amendments
to certain
penalties.

165. The principal Act is amended in the manner set forth in the Schedule.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

THE SCHEDULE.

AMENDMENTS TO THE INDUSTRIAL CODE, 1920-1960.

Section of Act.	Manner Amended.
Section 32	Strike out "two pounds" and insert "five pounds". Strike out "ten pounds" and insert "twenty-five pounds".
Section 80	Subsection (5)—Strike out "two pounds" and insert "ten pounds". Subsection (5)—Strike out "five shillings" and insert "ten shillings".
Section 81	Subsection (1)—Strike out "Ten pounds" and insert "Twenty-five pounds".
Section 82	Subsection (1)—Strike out "Five pounds" and insert "Twenty-five pounds".
Section 122	Subsection (1)—Strike out "Twenty pounds" and insert "Fifty pounds".
Section 123	Subsection (1)—Strike out "Ten pounds" and insert "Twenty-five pounds".
Section 124	Strike out "fourteen days" (twice occurring) and insert "twenty-eight days" in each case. Strike out "ten pounds" and insert "fifty pounds".
Section 128	Strike out "ten pounds" and insert "fifty pounds".
Section 134	Subsection (2)—Strike out "ten pounds" and insert "twenty-five pounds".
Section 172	Strike out "two pounds" and insert "five pounds". Strike out "ten pounds" and insert "twenty-five pounds".
Section 179	Subsection (1)—Strike out "Five pounds" and insert "Ten pounds".
Section 203	Strike out "Five pounds" and insert "Twenty-five pounds".
Section 204	Strike out "Five pounds" and insert "Twenty-five pounds".
Section 210	Subsection (1)—Strike out "Twenty pounds" and insert "Fifty pounds".
Section 212	Subsection (1)—Strike out "Ten pounds" and insert "Twenty-five pounds".
Section 213	Subsection (1)—Strike out "Ten pounds" and insert "Twenty-five pounds".
Section 215	Subsection (1)—Strike out "Ten pounds" and insert "Twenty-five pounds".
Section 216	Subsection (1)—Strike out "Ten pounds" and insert "Twenty-five pounds".
Section 225	Strike out "two pounds" and insert "five pounds". Strike out "ten pounds" and insert "twenty-five pounds".
Section 241	Strike out "two pounds" and insert "five pounds". Strike out "ten pounds" and insert "twenty-five pounds".
Section 275	Strike out "Fifty pounds" and insert "Seventy-five pounds".
Section 282	Strike out "Five pounds for every day during which such registered factory is occupied or used" and insert "One hundred pounds".
Section 287	Strike out "Five pounds" and insert "Ten pounds".
Section 289	Strike out "Ten shillings" and insert "Five pounds".
Section 292	Subsection (1)—Strike out "Two pounds for every day during which, without reasonable excuse, such record is not kept" and insert "Fifty pounds". Subsection (3)—Strike out "Ten shillings" and insert "Five pounds".
Section 293	Strike out "Two years' imprisonment" and insert "Five hundred pounds".
Section 305	Strike out "two pounds" and insert "five pounds". Strike out "five pounds" and insert "twenty-five pounds".
Section 308	Strike out "five pounds" and insert "ten pounds". Strike out "twenty pounds" and insert "fifty pounds".
Section 311	Strike out "Twenty pounds" and insert "Fifty pounds".
Section 312	Strike out "Twenty pounds" and insert "Fifty pounds".

**1963. Industrial Code Amendment Act, No. 59.
1963.**

Section of Act.	Manner Amended.
Section 323	Strike out "Twenty pounds" and insert "Fifty pounds".
Section 324	Strike out "Twenty pounds" and insert "Fifty pounds".
Section 325	Strike out "Twenty pounds" and insert "Fifty pounds".
Section 326	Subsection (1)—Strike out "Fifty pounds" and insert "One hundred pounds".
Section 334	Strike out "Ten pounds" and insert "Twenty-five pounds".
Section 335	Strike out "Ten pounds" and insert "Twenty-five pounds".
Section 348	Strike out "Twenty pounds" and insert "Fifty pounds".
Section 363	Subsection (1), Paragraph I—Strike out "ten pounds" and insert "twenty-five pounds". Subsection (1), Paragraph II—Strike out "one pound" and insert "two pounds".
Section 364	Subsection (1)—Strike out "one hundred pounds" and insert "two hundred and fifty pounds".
Section 365	Strike out "twenty shillings" and insert "ten pounds".
Section 366	Subsection (1)—Strike out "One hundred pounds" and insert "Two hundred pounds". Subsection (2)—Strike out "Fifty pounds" and insert "One hundred pounds".
Section 369	Strike out "two pounds" and insert "five pounds". Strike out "ten pounds" and insert "twenty-five pounds".
Section 374a	Strike out "ten pounds" and insert "twenty-five pounds".