

All awards and industrial agreements are to be read subject to the provisions of the Act, but this is not to be construed to reduce rates of wages being paid pursuant to any award or agreement, or to increase working-hours fixed by any such award or agreement.

Revised provisions were enacted to ensure that work which is let or given out by the occupier of a factory shall be done in a registered factory, or if it is done elsewhere than in a registered factory only by a person who holds a license granted by the Inspector for that purpose. Factory occupiers may not employ a greater number of such licensed outside workers than one for every ten or fraction of ten persons employed in the factory. Licenses operate only for a period not exceeding twelve months and are to be granted only to persons who are in necessitous circumstances or who for special reasons are unable to work in a factory, and the Inspector is to be satisfied that the place where the work is to be done is suitable and that the rate of remuneration is substantially equivalent to or higher than the rate that would be payable if the work were done in the factory. A right of appeal to a Magistrate is provided for against the refusal of the Inspector to issue a license to perform work elsewhere than in a registered factory. Paragraphs (b), (c), and (d) of section 30 of the principal Act were repealed as they were no longer applicable under the amended provisions for the prevention of "sweating."

The Governor-General is empowered by Order in Council to apply the "sweating" provisions of the Act to cases where work is let or given out to be done elsewhere than in the factory, such work being in connection with any specified class or classes of articles other than textile or shoddy material, for which provision is already made in the principal Act.

The minimum rates of wages under section 32 of the principal Act are increased from 10s. a week, with annual increments of 5s. a week until a wage of £1 10s. is reached, to such rate as is agreed on, being not less than 15s. a week, with half-yearly increments on the agreed rate of not less than 4s. a week until the end of the third year, and thereafter not less than £2 a week. In determining the rate of payment due to any worker all periods of employment in any factory whatsoever require to be taken into consideration.

Boxing Day and Anzac Day are added to the list of holidays in section 35 of the principal Act, and it is provided that all persons employed in the factory shall receive such holidays instead of only boys under eighteen years of age and women, and special provision is made regarding payment for such holidays and the periods for which the workers are required to be employed before they are entitled to payment. Double rates are payable where a worker is employed on any holiday, such payment being in addition to the ordinary payment for the holiday, and time and a half rates where a worker is employed on a half-holiday. Where the ordinary rate is by time and not by piece-work a minimum of 1s. 6d. per hour is fixed. Special provision is made to meet the case of dairy factories and creameries in which not more than two workers are regularly employed, and for Sunday work in factories.

The Finance Act, 1936, contained authority for the Governor-General by Order in Council to modify with respect to any specified factory or specified factories, or with respect to any specified class or specified classes of factories, subject to such conditions as he thinks fit, all or any of the requirements of the Factories Amendment Act, 1936, in respect of—

Section 4: Relating to holidays for workers in dairy factories:

Section 14: Relating to payment of wages for holidays:

Section 15: Relating to payment of wages for Sundays.

By Orders in Council dated 12th August, 1936, and 26th August, 1936, modification was effected as follows:—

Coal-gas works, dairy factories (including creameries), and electric-power generating and transforming factories: In lieu of the requirements of sections 4 (dairy factories only), 14, and 15 workers employed on holidays and Sundays shall be paid, in addition to their ordinary rate of pay, at not less than one-half of their ordinary rate of pay for the time worked on such holidays or Sundays.

Morning daily newspaper factories: So far as the employment of night workers is concerned, the term "holiday" (section 14) shall mean the period from noon on the day preceding the holiday until noon on the day of the holiday, and the term "Sunday" (section 15) shall mean the period from noon on Saturday until noon on Sunday.

There was previously no power in the Act for an Inspector to require an occupier to take any action to prevent any accident to the workers except in regard to machinery. The Inspector is now empowered to call upon the occupier to repair or safeguard any part of the factory or any appliance therein or to remedy any defect in the factory or in any machinery or appliance.

Wool-dumping factories and low-temperature coal-carbonization factories are added to the list of seasonal industries which are exempt from the limits of working-hours prescribed for male workers over sixteen years of age. This, however, does not prevent the working-hours for such workers in these industries from being prescribed in awards or agreements.

Pursuant to the authority contained in section 47 of the Finance Act, 1936, extension of the list of industries exempt from the limits of working-hours was effected by Order in Council dated 12th August, 1936, the following industries being added:—

Coal-gas works (where not more than 12,000,000 cubic feet of gas per annum is manufactured):

Ice-cream factories:

Fruit and vegetable canning factories (during the canning season):

Wool-scouring factories:

Municipal abattoirs:

Electric-power generating and transforming factories (in country districts where only one worker is employed).