



ANALYSIS

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1972, No. 40

An Act to amend the Factories Act 1946

[20 October 1972]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Factories Amendment Act 1972, and shall be read together with and deemed part of the Factories Act 1946 (hereinafter referred to as the principal Act).

2. Limits of working hours—(1) Section 19 of the principal Act (as amended by section 2 (1) of the Factories Amendment Act 1956) is hereby further amended by omitting from paragraph (c) of subsection (1) the words “conditions of service made under the Government Service Tribunal Act 1948, or the Government Railways Act 1949, or the Post and Telegraph Act 1928”, and substituting the words “conditions of employment made under the State Services Remuneration and Conditions of Employment Act 1969 or the Post Office Act 1959”.

(2) The said section 19 (as amended by section 2 (2) of the Factories Amendment Act 1956) is hereby further amended by repealing subsections (2), (3), and (4), and substituting the following subsections:

“(2) Subject to the provisions of this Act, no person under the age of 16 years shall be employed in or about a factory—

“(a) At any time between the hours of 6 o'clock in the evening of any day and 7 o'clock in the morning of the following day; or

“(b) On any Sunday; or

“(c) On any holiday, except as may be provided in an award, industrial agreement, order, or determination referred to in subsection (1) of this section.

“(3) Except as provided in section 24 of this Act, no woman who has attained the age of 16 years shall be employed in or about a factory at any time between the hours of 6 o'clock in the evening of any day and 11 o'clock in the morning of the following day unless at some time in that period she has a continuous rest interval of at least 11 consecutive hours (of which at least 7 consecutive hours fall between the hours of 10 o'clock in the evening and 7 o'clock in the morning) during which she is not employed in or about the factory.

“(4) The rest interval of 11 hours referred to in subsection (3) of this section shall not begin after 11 o'clock in the evening, except with the consent of an Inspector given after consultation with each organisation of employers and of workers concerned.

“(5) In giving his consent under subsection (4) of this section, an Inspector may impose such conditions, if any, as he thinks fit.

“(6) Subsections (3), (4), and (5) of this section shall not apply—

“(a) In respect of any factory in which the only persons engaged or employed are member of the same family:

“(b) In respect of the employment of any woman in or about a factory—

“(i) In a responsible position of a managerial or technical nature; or

“(ii) In a health or welfare service that does not ordinarily involve her in undertaking manual work.”

3. Prohibition and restrictions as to overtime—Section 20 of the principal Act (as amended by section 3 of the Factories

Amendment Act 1956 and section 5 of the Factories Amendment Act 1961) is hereby further amended by repealing subsection (2), and substituting the following subsection:

“(2) Subject to subsections (3), (4), and (5) of section 19 of this Act, and to subsections (1), (3), and (4) of this section, the prescribed working hours or times may from time to time be extended.”

4. Special provisions in case of certain factories—The principal Act is hereby further amended by repealing section 24 (as substituted by section 5 of the Factories Amendment Act 1956), and substituting the following section:

“24. (1) An Inspector may consent, on such conditions (if any) as he may specify, to the employment at any time in or about a factory of any woman who has attained the age of 16 years if the Inspector is satisfied that such employment is necessary—

“(a) To preserve from certain loss—

“(i) Raw materials; or

“(ii) Materials in the course of treatment—
that are subject to rapid deterioration; or

“(b) To make up production lost in the factory by the occurrence of any event that could not reasonably have been foreseen and prevented by the occupier of the factory and that is not of a recurring character.

“(2) An Inspector shall not give consent under subsection (1) of this section without the approval of the Secretary of Labour.

“(3) This section shall apply notwithstanding section 19 of this Act but subject to subsections (3) and (4) of section 20 of this Act.”

5. Holidays—The principal Act is hereby further amended by repealing section 26, and substituting the following section:

“26. (1) Except as hereinafter provided, the occupier of a factory shall allow to every person employed in the factory a whole holiday on each of the following days in every year:

“(a) Christmas Day:

“(b) Boxing Day:

“(c) New Year's Day:

“(d) The 2nd day of January (or another day in its place):

“(e) Good Friday:

“(f) Easter Monday:

“(g) Anzac Day:

“(h) Labour Day:

“(i) The birthday of the reigning Sovereign:

“(j) The day of the anniversary of the province in which the factory is situated (or another day in its place).

“(2) Notwithstanding subsection (1) of this section, the occupier of a factory may employ any worker on any such holiday except as otherwise expressly provided.”

6. Wages payable for holidays allowed and for holidays worked—(1) Section 28 of the principal Act is hereby amended by omitting from subsection (5) the words “, and every person who is actually employed in any factory on any half-holiday shall be paid therefor at not less than one-half as much again as the ordinary rate”.

(2) The said section 28 (as amended by section 6 (1) of the Factories Amendment Act 1956) is hereby further amended—

(a) By omitting from subsection (1) the words “paragraph (a) of”:

(b) By omitting from subsection (3) the words “paragraph (a) of”.

7. Special provisions as to newspapers—Section 32 of the principal Act is hereby amended—

(a) By omitting from paragraph (a) of subsection (1) the words “on the half-holiday for the purpose of printing or publishing an evening newspaper, or”:

(b) By repealing paragraph (b) of subsection (1).

8. Restrictions on employment of girls in certain work—(1) Section 38 of the principal Act is hereby amended by repealing subsection (4).

(2) The said section 38 is hereby further amended by repealing subsection (5), and substituting the following subsection:

“(5) The Governor-General may from time to time by Order in Council extend the provisions of subsection (3) of this section to any process in which, because of the special circumstances, it appears to him undesirable that persons

under the age of 16 years should be employed. Any such Order in Council may be varied from time to time, or revoked, by the Governor-General by Order in Council.”

9. Wet spinning—Section 68 of the principal Act is hereby repealed.

10. Consequential amendments—Sections 3 and 5 of the Factories Amendment Act 1956 are hereby consequentially repealed.

This Act is administered in the Department of Labour.
