

(7293.) AUCKLAND (TWENTY-FIVE-MILES RADIUS) GROCERS' ASSISTANTS AND DRIVERS.—EXEMPTION FROM CLOSING-HOURS.

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1908, and its amendments; and in the matter of section 69 of the Shops and Offices Act, 1921-22; and in the matter of the Auckland (Twenty-five-miles Radius) Grocers' Assistants and Drivers' award, dated the 1st day of June, 1922, and recorded in the Book of Awards, Vol. xxiii, p. 295.

UPON reading the applications of the undermentioned occupiers of grocers' shops for exemption from the provisions of clause 1 (b) of the said award fixing the closing-hours for all grocers' shops, and upon hearing counsel for the said occupiers, this Court, being of the opinion that the observance of the closing-hours fixed by the said award would cause undue hardship to such occupiers, and by virtue of and in exercise of the powers conferred by the said acts, and of every other power in that behalf enabling it, doth hereby order as follows:—

1. That if and so long as the undermentioned occupiers close their grocers' shops at 1 o'clock in the afternoon of one working-day in each week, and comply with the provisions of the Shops and Offices Act, 1921-22, and its amendments, and do not employ workers in or about the said shops during the hours when grocers' shops are directed by clause 1 (b) of the said award to be closed, or outside the hours during which by clause 1 (a) of the said award workers are permitted to be employed, or on any of the holidays prescribed by the said award, they shall be exempt from the provisions of the said clause 1 (b).

2. That this order is made subject to the further condition that the said occupiers shall close their shops not later than 7.30 p.m. on four days of the week and 9 p.m. on one day of the week, and shall close their shops all day on Anzac Day, Christmas Day, and Good Friday.

3. That the Court reserves to itself the power at any time to revoke this order and substitute another order therefor.

4. That the occupiers hereinbefore referred to and their respective places of business are as follows:—

Albert Wallace Cuthbertson, Grocer, Kohimarama.

Alfred Colin Angel, Grocer, St. Heliers Bay.

David Wilson, Grocer, St. Heliers Bay.

Rachael Churches, Grocer, St. Heliers Bay.

5. That this order shall operate and take effect as from the day of the date hereof.

Dated this 18th day of October, 1922.

[L.S.]

F. V. FRAZER, Judge.

MEMORANDUM.

These exemptions have been granted for a number of reasons. In the first place, the applicants were outside the scope of the last award; secondly, St. Heliers Bay and Kohimarama are in an isolated district, some four or five miles from the nearest grocer's shop, and there is no likelihood of any unfair competition resulting from the exemptions granted; thirdly, the evidence shows that St. Heliers Bay and Kohimarama are popular places of resort for week-end holiday-makers, who cannot purchase their provisions at these places if Saturday afternoon closing is enforced; fourthly, the enforcement of the provisions of the award relating to closing-hours would take away a quantity of trade that legitimately belongs to the applicants, and would give it to city shops; fifthly, the non-permanent residential population of St. Heliers Bay and Kohimarama is considerable, as compared with the small permanent residential population; sixthly, the half-holiday is generally observed on Wednesday at St. Heliers Bay and Kohimarama. We have set out these reasons at length in order to make it clear that the circumstances affecting these two townships are peculiar, and to discourage similar applications from other suburbs where the same conditions do not obtain.