

(7561.) NEW ZEALAND MARINE COOKS AND STEWARDS (COASTAL SHIPPING COMPANIES).—AMENDMENT OF AWARD.

In the Court of Arbitration of New Zealand, Wellington Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1908, and its amendments; and in the matter of an application of the Anchor Shipping and Foundry Company (Limited) for amendment of the New Zealand Marine Cooks and Stewards' (Coastal Shipping Companies) award, dated the 24th day of March, 1923, and recorded in Book of Awards, Vol. xxiv, p. 134.

Friday, the 6th day of July, 1923.

UPON reading the application of the Anchor Shipping and Foundry Company (Limited), party to the New Zealand Marine Cooks and Stewards' (Coastal Shipping Companies) award, dated the 24th day of March, 1923, and recorded in Book of Awards, Vol. xxiv, p. 134, which application was filed herein on the 17th day of May, 1923, and upon hearing the duly appointed representatives of the said company and of the union party to the said award, this Court, in pursuance and exercise of the powers conferred upon it by section 92 of the Industrial Conciliation and Arbitration Act, 1908, and of every other power in that behalf thereto enabling it, and for the purpose of remedying a defect in the said award, doth hereby order that the said award shall be and the same is hereby amended in manner following, that is to say—

1. By adding the following words to subclause (c) of clause 1 of the said award: "In the case of night-watchmen whose day's work is done partly on one day (as defined by clause 15 hereof) and partly

on the next day, the fifteen hours' span shall be reckoned from the time the actual working-day commences, irrespective of the working-day comprising portions of two calendar days."

2. This order shall operate and take effect as from the date hereof.

[L.S.]

F. V. FRAZER, Judge.

MEMORANDUM.

By consent, the award provided that stewards on the "Ngaio" should receive the rates of pay prescribed for similar workers by the Union Steamship Company's award, but should in other respects be covered by the coastal shipping companies' award. The latter award deals only with day-workers, and contains no provision in regard to night-watchmen, whose hours are usually between 9 p.m. and 6 a.m. The Union Steamship Company's award provides for a special rating of night-watchmen, and determines the method of computation of his daily hours. The coastal shipping companies' award, in so far as it permits the employment of a night-worker, and fixes his rate of pay, while omitting to provide for the method of computation of his daily hours, is defective. It was intended that all workers on the "Ngaio" should be placed on substantially the same footing as the corresponding workers in the Union Steamship Company's service, but the omission referred to defeats the intention. We have accordingly amended the award so as to incorporate the necessary provision of the Union Steamship Company's award.

We were asked to insert another clause dealing with the hours and extra remuneration of a steward called upon to act as night-watchman in port. As this would involve amending the provisions of the award in respect of a day-worker, already provided for, who is required to do special work on occasions, we do not think we have jurisdiction to insert the clause. If such a worker is entitled to overtime payment under the provisions of the award, we do not think that we ought to amend the award to his detriment, for the award is not defective in so far as he is concerned. The matter of providing for his remuneration and conditions of work must stand over until the expiry of the present award.

[L.S.]

F. V. FRAZER, Judge.