

(7672.) 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 Book of Awards, Vol. xxiii, p. 295.

Saturday, the 15th day of December, 1923.

UPON reading the application of Charles Berry Sims, the occupier of a grocer's shop at Kohimarama, for exemption from the provisions of clause 1 (b) of the Auckland (Twenty-five-miles Radius) Grocers' Assistants and Drivers' award, dated the 1st day of June, 1922, and recorded in Book of Awards, Vol. xxiii, p. 295, fixing the closing-hours for all grocers' shops, and upon hearing counsel for the said occupier, this Court, being of the opinion that the observance of the closing-hours fixed by the said award would cause undue hardship to such occupier, 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 said Charles Berry Sims closes his grocer's shop at 1 o'clock in the afternoon of one working-day in each week, and complies with the provisions of the Shops and Offices Act, 1921–22, and its amendments, and does not employ workers in or about the said shop 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, he 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 occupier closes his shop not later than 7.30 p.m. on four days of the week and 9 p.m. on one day of the week, and closes his shop 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 this order shall operate and take effect as from the day of the date hereof.

[L.S.]

— F. V. FRAZER, Judge.

MEMORANDUM.

This exemption has been granted for a number of reasons. In the first place, the applicant was outside the scope of the last award; secondly, Kohimarama is 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 exemption granted; thirdly, Kohimarama is a popular place of resort for week-end holiday-makers, who cannot purchase their provisions there 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 applicant, and would give it to city shops; fifthly, the non-permanent residential population of Kohimarama is considerable, as compared with the small permanent residential population; sixthly, the half-holiday is generally observed on Wednesday at Kohimarama. We have set out these reasons at length in order to make it clear that the circumstances affecting this township are peculiar, and to discourage similar applications from other suburbs where the same conditions do not obtain.

[L.S.]

F. V. FRAZER, Judge.
