

(7939.) NORTH CANTERBURY GROCERS' ASSISTANTS AND
DRIVERS.—AMENDMENT OF AWARD.

In the Court of Arbitration of New Zealand, Canterbury Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1908, and its amendments; and in the matter of the North Canterbury Grocers' Assistants and Drivers' award, dated the 26th day of November, 1923, and recorded in Book of Awards, Vol. xxiv, p. 1016.

Thursday, the 27th day of November, 1924.

In pursuance and exercise of the powers conferred by section 92 of the Industrial Conciliation and Arbitration Act, 1908, and on the application of the Canterbury Grocers' Industrial Union of Employers and the Canterbury Grocers' Assistants' Industrial Union of Workers, and for the purpose of remedying a defect in the North Canterbury Grocers' Assistants and Drivers' award, dated the 26th day of November, 1923, and recorded in Book of Awards, Vol. xxiv, p. 1016, this Court, being of the opinion that it is just and equitable to amend the said award, doth hereby order that the said award shall be amended in manner following, that is to say:—

1. Clause 1 of the said award shall be deleted, and the following provision substituted therefor:—

“ 1. (a.) The hours of work shall be as follows: From 8.15 a.m. to 5.30 p.m. on four days of the week, from 8.15 a.m. to 8.30 p.m. on

one day, and from 8.15 a.m. to 1 p.m. on the day observed as the weekly half-holiday: Provided that where shops close at 5.30 p.m. on five days of the week the starting-time may be 8 a.m.

"(b.) Any time worked in any one day outside of these hours shall be deemed to be overtime, and shall be paid for at the rate of time and a half for the first three hours and double time thereafter.

"(c.) *Closing of all Shops.*—In exercise of the powers conferred on it by section 69 of the Shops and Offices Act, 1921-22, the Court orders that the following provisions shall apply in respect of all grocers' shops in the area lying within the circumference of a circle described with the Chief Post-office in the City of Christchurch as the centre and with a radius of ten miles, that is to say:—

"(i.) That in those portions of the said area in which Saturday is the statutory half-holiday all grocers' shops shall be closed from 5.30 p.m. on four days of the week, from 8.30 p.m. on one day of the week, and from 1 p.m. on Saturday.

"(ii.) That in those portions of the said area in which Saturday is not the statutory half-holiday all grocers' shops shall be closed from 5.30 p.m. on four days of the week, and from 1 p.m. on Saturday and on the statutory closing-day: Provided that the occupier of any grocer's shop who gives notice as provided in section 14 (2) of the Shops and Offices Act, 1921-22, and observes Saturday in lieu of the statutory closing-day shall close his shop from 5.30 p.m. on four days of the week, from 8.30 p.m. on one day of the week, and from 1 p.m. on Saturday.

"(d.) All shops mentioned in the preceding subclause shall be closed on the days set out in clause 4 (a) as holidays, or on days observed in lieu thereof.

"(e.) This clause shall be read subject to the provisions of subsection (2) of section 3 of the Shops and Offices Act, 1921-22."

2. This order shall operate and take effect as from the 15th day of December, 1924.

[L.S.]

F. V. FRAZER, Judge.

MEMORANDUM.

The intention of the Court in making the award was to ensure that Saturday should be observed as the weekly half-holiday in the area lying within a radius of ten miles from the Chief Post-office at Christchurch. This was the desire of the Conciliation Council, and it was approved by the Court for the reasons stated in the last paragraph of the memorandum to the award, which is as follows:—

"After carefully considering the applications of a number of grocers at Sumner and New Brighton to have those boroughs excluded from the provisions of the closing-hours clause, we have come to the conclusion that no undue hardship will be caused by the operation of the clause. Most of the temporary residents of these boroughs live there for the whole summer, and week-end visitors usually take

their groceries from Christchurch, or telephone their orders. In each case, too, there is a large permanent residential population. The position is different from that obtaining at other seaside resorts where the Court has granted exemptions."

The opinion of the Court of Appeal was that this Court could not directly substitute Saturday for the statutory closing-day in those portions of the area in which some other day was observed. There is, however, nothing in the Act to prohibit this Court from ordering shops in those portions of the area to close on Saturday as well as on the local statutory closing-day, and making special provision (similar to that made for the city shops) for those occupiers who elect to give the requisite notice to the Inspector of their intention to observe Saturday in lieu of the local statutory closing-day. In view of the decision of the Court of Appeal, this is the only way in which the Court can give effect to its intention and the wishes of the employers and workers. We are satisfied, after hearing the evidence of a number of witnesses, that there is no reason to fear that the observance of Saturday as the weekly half-holiday will cause any undue hardship. Those employers in the outlying parts of the area who gave Saturday closing a trial expressed themselves as quite satisfied with the result. The Court has no desire to administer section 69 of the Shops and Offices Act, 1921-22, in an arbitrary manner, but it cannot lose sight of the fact that the object of the section is to place on an equal footing shops that are in competition with one another, and that this may sometimes involve the overriding of conflicting local customs within a limited area, such as the Christchurch city and suburban area.