(8018.) NORTHERN, TARANAKI, WELLINGTON, NELSON, CANTERBURY, AND OTAGO AND SOUTHLAND INDUSTRIAL DISTRICTS ENGINEERS.—ADDING PARTY TO AWARD.

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 the Northern, Taranaki, Wellington, Nelson, Canterbury, and Otago and Southland Industrial Districts Engineers' award, dated the 19th day of September, 1924, and recorded in Book of Awards, Vol. xxv, p. 911.

Monday, the 22nd day of December, 1924.

UPON reading the application of the Auckland Branch of the Amalgamated Engineering Union (including Motor Mechanics, Brass-finishers, Tinsmiths, and Sheet-metal Workers) Industrial Union of Workers, filed herein on the 29th day of November, 1924, and upon hearing the duly appointed representative of the said union, and of the company hereinafter named, this Court doth hereby order as follows:—

1. That the undermentioned company be and it is hereby added as a party to the said award:—

Sir W. G. Armstrong, Whitworth and Co. (Limited), (A. D. Riley and Co., Auckland Representative, Dawson's Buildings, High Street, Auckland.)

2. That the said company shall be bound only by those provisions of the said award prescribing minimum rates of wages, and shall be exempted from the operation of all the other provisions of the said award if and so long as the said company shall, in respect of all conditions of employment and other matters, contract with its workers on terms not less favourable to those workers than those contained in the industrial agreement made between the said company and the New Zealand Workers' Union, dated the 23rd day of October, 1924, and any amendment thereof.

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

[L.S.] F. V. FRAZER, Judge.

MEMORANDUM.

The company opposed an application to have it added as a party to the award, on the ground (*inter alia*) that the Public Contracts Act, 1908, ousted the jurisdiction of this Court. The Court is of opinion that that Act adds to, rather than subtracts from, the obligations imposed by awards of the Court. The agreement made between the company and the New Zealand Workers' Union is defective in law, but the conditions are approved by the men engaged on the company's works. The main objection of the craft unions to that

agreement, in so far as the merits are concerned, is that it provided for a forty-seven-hours week. The men, however, are engaged on work in isolated settlements, and it has often been provided by the Court, in awards fixing an eight-hours day and a forty-four-hours week, that men engaged on country work may agree with their employers to work different hours without payment of overtime rates. In the present case the men wish to work a forty-seven-hours week, and the conditions of employment are favourable to them. This does not involve any departure from the general principle of a forty-four-hours week for craftsmen, and, as has been already mentioned, there is precedent for special latitude in cases where the conditions of employment are unusual. Another important factor is the desire of the men to work on the co-operative system, and this is not provided for in the craft awards, which in many other respects do not make provision for the class of work carried on by the company. The effect of the present order is to make the award rates of wages binding on the company, while leaving it free to contract with its workers in regard to other matters, subject only to the conditions agreed upon being not less favourable to the workers than those now observed. The Court is prepared to make similar orders in regard to any other awards to which the company may subsequently become automatically a party by the operation of section 90 (3) of the Industrial Conciliation and Arbitration Act, 1908.

[L.S.] F. V. FRAZER, Judge.