

(8276.) NORTHERN, WELLINGTON, NELSON, AND OTAGO AND SOUTHLAND INDUSTRIAL DISTRICTS RETAIL SHOP ASSISTANTS.—ADDING PARTIES 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, Wellington, Nelson, and Otago and Southland Industrial Districts Retail Shop-assistants' Award, dated the 17th day of March, 1924, and recorded in Book of Awards, Vol. XXV, p. 111.

Monday, the 20th day of July, 1925.

UPON reading the application of the association of workers party to the Northern, Wellington, Nelson, and Otago and Southland Industrial Districts Retail Shop-assistants' award, dated the 17th day of March, 1924, and recorded in Book of Awards, Vol. XXV, p. 111, which application was filed herein on the 15th day of June, 1925, and upon hearing the duly appointed representative of the said association and such of the persons, firms, and companies hereinafter named as appeared either in person or by their representative duly appointed, this Court doth order that the following be and they are hereby added as parties to the said award as from the day of the date hereof:—

Abraham, Mrs. R., General Storekeeper, Te Araroa.

Adair Bros. (Limited), Drapers and Cash Stores, Gladstone Road, Gisborne.

Adair Bros. (Limited), Drapers, Gladstone Road, Gisborne.

Adair, Charles, Clothier, Gladstone Road, Gisborne.

Adair, J. (J. D. R.), Draper, Gladstone Road, Gisborne.

Adams, T., Bookseller, Gladstone Road, Gisborne.

Alexander and Graham, Drapers, Gladstone Road, Gisborne.

- Andrew, H. J., Boot and Shoe Importer, Ormond Street, Gisborne.
 Andrew, J. C., Draper, Wainui Road, Gisborne.
 Ashley, G., Draper, corner William Street and Dominion Road, Auckland.
 Bardwick, F., Furnisher, Peel Street, Gisborne.
 Barrett, Miss, Milliner, Gladstone Road, Gisborne.
 Beddow, A. E., Furniture-dealer, Gladstone Road, Gisborne.
 Bell, O. D., Stationer, Matawai.
 Boyd, A. M., General Storekeeper, Te Araroa.
 Brokenshire, Miss, Milliner, Gladstone Road, Gisborne.
 Buchanan, D. A., Boot and Shoe Importer, South Street, Gisborne.
 Bushell, H. J., Bookseller, Gladstone Road, Gisborne.
 Cates Bros., General Storekeepers, Tokomaru Bay.
 Chewno, G., Boot and Shoe Importer, Gladstone Road, Gisborne.
 Clarkson, W. R., Clothier, corner Cobden Street and Gladstone Road, Gisborne.
 Clarkson, W. R., Clothier, Coronation Buildings, Gladstone Road, Gisborne.
 Clayton, H. J., Boot and Shoe Importer, Gladstone Road, Gisborne.
 Coleman and Son, Furnishers, Gladstone Road, Gisborne.
 Common, Shelton, and Co., Drapers, Peel Street, Gisborne.
 Common, Shelton, and Co., Hardware Merchants, Peel Street, Gisborne.
 Coombe and Roberts, General Storekeepers, Tokomaru Bay.
 Cooper, L. D., Leather-goods Merchant, Gladstone Road, Gisborne.
 Cruickshank and Goldsmith, Storekeepers, Matawai.
 Daniel, G. W., Clothier, Gladstone Road, Gisborne.
 Devenport, T., Boot and Shoe Importer, Gladstone Road, Gisborne.
 Drube, F. P., Boot and Shoe Importer, Gladstone Road, Gisborne.
 Dunbar and Aston, Leather-goods Merchants, Gladstone Road, Gisborne.
 Dusky, Mrs. R., Clothier, Gladstone Road, Gisborne.
 Eastwood, Mrs. B., Bookseller, Gladstone Road, Gisborne.
 Egdell, Mrs., Milliner, Gladstone Road, Gisborne.
 Evenson, A. F., Draper, Te Karaka.
 Farmers' Trading Co. (A. W. Kirk, Manager), General Storekeepers, Ruatorea.
 Farmers' Trading Co., General Storekeepers, Te Araroa.
 Faulds, J. S., Clothier, Gladstone Road, Gisborne.
 Franks, Miss A. C., Bookseller, Gladstone Road, Gisborne.
 Gardner, H., Furniture-dealer, Derby Street, Gisborne.
 Garnside, Mrs., Bookseller, Gladstone Road, Gisborne.
 Giles, G. H., Leather-goods Merchants, Lowe Street, Gisborne.
 Gisborne Hardware Company, Hardware-merchants, Gladstone Road, Gisborne.
 Gisborne Sheep-farmers' F.M. and M. Company, General Storekeepers, Te Araroa.
 Glass, L. E., Ladies' and Gents' Outfitters, 5 Queen Street, Auckland.
 Glover and Co., Corset Specialists, Colosseum Buildings, Queen Street, Auckland.
 Glover, W. S., "The Don," Clothier, Gladstone Road, Gisborne.
 Godfrey, L., Boot and Shoe Importer, Grey Street, Gisborne.
 Goodley and Smyth, Tailors and Outfitters, Ruatorea.
 Gray, A. M., Boot and Shoe Importer, Makaraka.
 Gray, F., Furniture-dealer, Gladstone Road, Gisborne.
 Greig, C., Draper, Gladstone Road, Gisborne.
 Grubb, E., Fancy-goods Dealer, Tolaga Bay.
 Grundy and Shennan, Furnishers, Gladstone Road, Gisborne.
 Gunn, A., Draper, Gladstone Road, Gisborne.
 Guthrie and Maddock, Drapers, Gladstone Road, Gisborne.
 Hannah, R., and Co., Boot and Shoe Importers, Gladstone Road, Gisborne.
 Harries, J. D., Boot and Shoe Importer, Gladstone Road, Gisborne.
 Harris Bros., Boot and Shoe Importers, Gladstone Road, Gisborne.
 Hayes, W., Boot and Shoe Importer, Ormond Road, Gisborne.

- Henderson, C. F., Boot and Shoe Importer, Gladstone Road, Gisborne.
 Hennessy, J., Clothier, Matawai.
 Hill, C., Bookseller, Te Karaka.
 Hill, J. T., Furniture-dealer, Wainui Road, Gisborne.
 Holmes, Mrs. M. E., Stationer, Tolaga Bay.
 Humphrey, H. D., Furniture-dealer, Gladstone Road, Gisborne.
 Hustler, A. J., Storekeeper, Matawai.
 Hyland, J., General Storekeeper, Port Awanui.
 Jeune, J. F., Leather-goods Merchant, Bright Street, Gisborne.
 Johnston, R., Clothier, Gladstone Road, Gisborne.
 Johnston, W. H. O., General Storekeeper, Ruatorea.
 Johnstone and Miller, Clothiers, Gladstone Road, Gisborne.
 Kay's, Ladies' Emporium, corner Wyndham and Queen Streets, Auckland.
 Kelly, Mrs. M., Milliner, Gladstone Road, Gisborne.
 Kirk, George, General Storekeeper, Waipiro Bay.
 Kirk, Mrs. A. L., General Storekeeper, Waiapu.
 Kirkpatrick and Stevens, Drapers, Broadway, Newmarket, Auckland.
 Knox, James, Tailor and Outfitter, Te Araroa.
 Laing, W. H., Bookseller, Tolaga Bay.
 Langford, Mrs. E., Milliner, Gladstone Road, Gisborne.
 Langridge, A., and Co., Bookseller, Gladstone Road, Gisborne.
 Langridge, A., and Co., "The Shilling Shop," Fancy Goods, &c., Gladstone Road, Gisborne.
 Lewis, W., Clothier, Te Karaka.
 Lindsay, G. R., Boot and Shoe Importer, Gladstone Road, Gisborne.
 L.O.E., Ladies' Outfitting Emporium, Gladstone Road, Gisborne.
 Love, C. J., Draper, Matawai.
 Lowry, Mrs. V., Milliner, Gladstone Road, Gisborne.
 Ludbrook Bros., General Storekeepers, Tapuwaeroa.
 Maloney, J. P., Boot and Shoe Importer, Bright Street, Gisborne.
 "The Maurice," Miss Neil, Draper, Gladstone Road, Gisborne.
 May, F. W., Fancy-goods Dealer, Gladstone Road, Gisborne.
 McCullough, J., Boot and Shoe Importer, Gladstone Road, Gisborne.
 McDonald, J. D., General Storekeeper, Matawai.
 McGruer and Co., Drapers, Gladstone Road, Gisborne.
 McKinnon, W. and Co., Crockery-dealers, Gladstone Road, Gisborne.
 McKenzie, J. R., Fancy goods Dealer, Gladstone Road, Gisborne.
 McMeekin, R. A., General Storekeeper, Te Araroa.
 Melville, Mrs. H., Clothier, Matawai.
 Morris, B. G., Draper, Gladstone Road, Gisborne.
 Morrison, E. J., Draper, Gladstone Road, Gisborne.
 Muir, C. W., Bookseller, Gladstone Road, Gisborne.
 Murphy, C. J., Stationer, Tokomaru Bay.
 Murray, A. W., Draper, Te Karaka.
 Nasmith and Co., Leather-goods Merchants, Peel Street, Gisborne.
 National Trading Company of New Zealand (Limited). Registered Office, corner Fort Street and Customs Street East, Auckland (John Schischka, Managing Director). Branch Stores at Tuakau, Waihi, Thames, Te Awamutu, Morrinsville, Rotorua, Matamata, Kawakawa, Waiuku, Pokeno, Waitoa, Paeroa, and Whangarei.
 New Zealand Clothing-factory, Drapers, Gladstone Road, Gisborne.
 Norrish, E. A. M., Art Dealer, 266 Queen Street, Auckland.
 Oates Bros., General Storekeepers, Tokomaru Bay.
 O'Connor, C., Boot and Shoe Importer, Wainui Road, Gisborne.
 Paine, Bert, Furniture-dealer, Carnarvon Street, Gisborne.
 Parfitt, C., General Storekeeper, Tokomaru Bay.
 Parnell Limited, Hardware-merchants, Gladstone Road, Gisborne.
 Paton and Phillips, Clothiers, Gladstone Road, Gisborne.
 Pettie, William, and Co., Drapers, Gladstone Road, Gisborne.
 Phillips, S. H., Draper, Gladstone Road, Gisborne.

- Pollock, Mrs. E., Fancy-goods Dealer, Gladstone Road, Gisborne.
 Price, H. G., Draper, Te Karaka.
 Primes Limited, Hardware-merchants, Gladstone Road, Gisborne.
 Primrose and Leslie, Leather-goods Merchants, Peel Street, Gisborne.
 Redfearn, F., Furniture-dealer, Gladstone Road, Gisborne.
 Reynolds, E., and Son, Crockery-dealers, Gladstone Road, Gisborne.
 Richards, C., Crockery and Fancy-goods Dealer, 42 Karangahape Road, Auckland.
 Richardson, L., Clothier, Gladstone Road, Gisborne.
 Rosie, C., Draper, Te Karaka.
 Rostgard, D., Draper, Peel Street, Gisborne.
 Samson Bros., Furniture-dealers, Gladstone Road, Gisborne.
 Shalfoon, Anthony, General Storekeeper, Opotiki.
 Smith, Mrs. Bevan, Ladies' Emporium, Colosseum Buildings, Queen Street, Auckland.
 Smith, S., Bookseller, Gladstone Road, Gisborne.
 Smyth, H. F., General Storekeeper, Ruatorea.
 Spence Bros., Drapers, Tolaga Bay.
 Stark, S. W., Boot and Shoe Importer, Gladstone Road, Gisborne.
 Stewart, H., Furniture-dealer, Gladstone Road, Gisborne.
 Stewart, W. W., Draper, corner Upland and Remuera Roads, Auckland.
 Swainson, F., Draper, Te Karaka.
 Swan, H. P., Leather-goods Merchant, Peel Street, Gisborne.
 The Beehive (Evans, Mrs. L.), Fancy-goods Dealer, Peel Street, Gisborne.
 The Stephenson Shoe Company (I. Stephenson, Manager), Boot and Shoe Importers, Gladstone Road, Gisborne.
 The Waiapu Farmers', General Storekeepers, Kahukura.
 The Waiapu Farmers', General Storekeepers, Waiomatatini.
 Thomson, J., Leather-goods Merchant, Peel Street, Gisborne.
 Thornton, J. D. G., General Storekeeper, Tolaga Bay.
 Tokomaru Farmers' Co-op. (Limited), (W. G. Keane, Manager), General Storekeepers, Takapau, Tokomaru Bay.
 Tokomaru Farmers' (Limited) (A. J. Bowdrill, Manager), General Storekeepers, Tokomaru Bay.
 Tuparoa Trading Company, General Storekeepers, Tuparoa.
 Waiapu Farmers' Company, General Storekeepers, Waiapu.
 Waipiro Farmers' Trading Co. (A. Tuckwell, Manager), General Storekeepers, Waipiro Bay.
 Walker, A. E., Draper, Gladstone Road, Gisborne.
 Wallace, W., Boot and Shoe Importer, Gladstone Road, Gisborne.
 Wellings, A. F., Draper, Lowe Street, Gisborne.
 Whitefield and Johnson, Drapers, Rawene.
 Whitefield and Kennedy, Clothiers, Gladstone Road, Gisborne.
 Williams, H., Stationer, Te Araroa.
 Woodrow, Miss M., Clothier, Peel Street, Gisborne.
 Woodrow, Mrs. M., Draper, Gladstone Road, Gisborne.
 Zachariah, A., Clothier, Gladstone Road, Gisborne.

[L.S.]

F. V. FRAZER, Judge.

MEMORANDUM.

This order has been made on the application of the New Zealand Federated Shop-assistants Industrial Association of Workers, and with the concurrence of the local (Gisborne) union.

In view of the somewhat peculiar circumstances of the case, the Court thinks it advisable to place on record the reasons for making this order. In March, 1924, the Court heard the Northern, Wellington, Nelson, and Otago and Southland Industrial Districts Shop-assistants' dispute, and made the current Dominion award. No Gisborne firms

were cited as parties to the dispute, but no application was made by either side to exclude the Gisborne Judicial District from the operation of the award. The result was that the closing-hours provisions of the award applied to all shopkeepers in the Gisborne Judicial District, and all the provisions of the award applied to all shopkeepers in that district who commenced business after the award came into force. A local union of shop-assistants in Gisborne was registered after the award was filed, and this union cited the Gisborne employers on the 16th April, 1925, with a view to obtaining an award for the Gisborne Judicial District. It is obvious that this union, the members of which were not versed in industrial law, did not realize that the Dominion award included in its scope the Gisborne Judicial District, which is part of the Northern Industrial District. The representatives of the employers met the representatives of the union in Conciliation Council, and agreed on a complete recommendation to the Court for a new award. The recommendation of the Conciliation Council differed considerably from the terms of the Dominion award, and it is difficult to understand how the Conciliation Council conducted its deliberations without becoming aware that the Dominion award included the Gisborne Judicial District in its scope. The Conciliation Commissioner forwarded the recommendation to the Court on the 23rd May, 1925, with a memorandum intimating that the parties desired that the Court should give immediate effect to the recommendation, by making an award in terms of the recommendation at as early a date as possible. This the Court declined to do, in view of the existence of the Dominion award excluding its jurisdiction. The Gisborne employers and the local union thereupon, on the 30th May, 1925, filed an application for an order adding the Gisborne employers as parties to the Dominion award, and modifying that award, so far as it affected the Gisborne Judicial District, by substituting the provisions of the abortive recommendations of the Conciliation Council for those of the award. On notice of this application being given to the New Zealand Federated Shop-assistants' Association an objection was made, and a cross-application was filed by the association on the 15th June, 1925, for an order adding the Gisborne shopkeepers unconditionally as parties to the Dominion award.

The several applications came before the Court at Auckland on the 13th July, 1925. The Gisborne dispute was withdrawn, and the only matters left for decision were the two applications to add the Gisborne shopkeepers as parties to the Dominion award. It was intimated that the Gisborne union had further considered the matter and desired to withdraw its concurrence with the application to substitute the provisions of the abortive recommendation for those of the award. The advocate for the employers contended that the Court should give effect to the agreement arrived at by the local union and the employers at Gisborne; but this, however, would be tantamount to amending the Dominion award without the concurrence of the New Zealand Shop-assistants' Association, which was not a party to the

abortive recommendation. This the Court has no jurisdiction to do. The employers' advocate further contended that under section 94 of the Industrial Conciliation and Arbitration Act, 1908, the Court was empowered, when adding parties to an award, to make its order subject to any condition or qualification, and that it could embody in its order the conditions of the abortive recommendation. The power of attaching conditions or qualifications, however, is obviously intended to be used only to meet the special circumstances under which the businesses of the parties sought to be added are carried on. For example, a local authority may be added as a party to a trade award, but it is usually necessary to make the order subject to special conditions and exemptions, because the general conditions of a trade award cannot in all cases be properly applicable to a local authority that employs tradesmen but does not carry on business in the particular trade. Similarly, an award may be extended to a different district from that in which it is made in order to bind some firm (for example, a freezing-works company) carrying on a similar business in that district, and it may be desirable to make some modification of the terms of the award in order to meet special local circumstances. It cannot be successfully contended that the Court can give section 94 the wide construction contended for by the employers' advocate, for that would have the effect of treating as nugatory those provisions of the Act which restrict the jurisdiction of the Court to amend an award during its currency. We can find no record of the Court having ever construed the provisions of section 94 in any wider manner than that which we have indicated.

We are accordingly of the opinion that the application to amend the award, in so far as the area comprised in the Gisborne Judicial District is concerned, cannot be entertained. We cannot entertain a further application made by the employers' advocate that the Court should defer dealing with the application of the New Zealand Shop-assistants' Association until it visited Gisborne. The Court has no regular times for visiting Gisborne, and we cannot see how the application could be more successfully opposed in Gisborne than in Auckland. The Dominion award was framed to apply generally to shopkeepers in cities, large towns, small towns, and in the country, and we are unable to find any reason for thinking that the shopkeepers in Gisborne carry on their businesses in a manner materially differing from that in which similar businesses are carried on elsewhere. It is not suggested that their businesses are not of the description covered by the terms of the award, and this would be the only justification for delaying our decision.

We have accordingly refused the application of the employers, and we have granted the application of the New Zealand Federated Shop-assistants' Association, which has now been concurred in by the Gisborne Shop-assistants' Union. The employers named in this order accordingly become parties, unconditionally, to the Dominion award.

F. V. FRAZER, Judge.