

(11206.) FACTORIES AMENDMENT ACT, 1936.—ORDER EXTENDING WORKING-HOURS IN RESPECT OF **PRINTING AND ALLIED TRADES.**

In the Court of Arbitration of New Zealand.—In the matter of the Factories Amendment Act, 1936; and in the matter of an application under section 3 of the said Act for extension of hours made on behalf of—(a) The employers parties to the undermentioned awards and industrial agreement: The New Zealand Typographers' award, dated the 10th day of April, 1935, and recorded in Book of Awards, Vol. XXXV, p. 381; the New Zealand (except Otago and Southland) Printers' Machinists, Lithographers, Bookbinders', &c., award, dated the 10th day of April, 1935, and recorded in Book of Awards, Vol. XXXV, p. 407; the Wellington (Ten-miles Radius) Printing Trades (Females) award, dated the 7th day of August, 1935, and recorded in Book of Awards, Vol. XXXV, p. 801; the Otago and Southland Printers' Machinists, Lithographers, Bookbinders', &c., award, dated the 21st day of May, 1935, and recorded in Book of Awards, Vol. XXXV, p. 600; the Dunedin Linotype Mechanic award, dated the 21st day of May, 1935, and recorded in Book of Awards, Vol. XXXV, p. 619; the Auckland (Ten-miles Radius) Printing Trades (Females) industrial agreement, dated 18th January, 1933, and recorded in Book of Awards, Vol. XXXIII, p. 1; the Canterbury Industrial District Paper Bag, Carton, and Boxmakers' award, dated 5th April, 1933, and recorded in Book of Awards, Vol. XXXIII, p. 382; the Dunedin (Ten-miles Radius) Boxmakers' award, dated 23rd March, 1933, and recorded in Book of Awards, Vol. XXXIII, p. 244; the Christchurch Linotype Mechanics' award, dated 17th November, 1925, and recorded in Book of Awards, Vol. XXVA, p. 1027: and (b) Palmerston North Photo-engravers, King Street, Palmerston North; Wilson and Horton, Ltd., Auckland; New Zealand Newspapers, Ltd., Auckland; Geddis and Blomfield, Ltd. (Observer Printing Works), Auckland; Auckland Photo-engravers, Ltd., Auckland; Illustration Ltd., Auckland; Wilson Engraving Co., Ltd., Auckland; Alex. Harvey and Sons, Ltd., Auckland; Blundell Bros., Ltd., Wellington; Wellington Publishing Co., Ltd., Wellington; Process Engravers, Ltd., Wellington; H. E. Geddis and Co., Wellington; Vickery and Inkersell, Ltd., Wellington; C. Moore and Son, Wellington; N.Z. Newspapers, Ltd., Christchurch; Christchurch Press Co., Ltd., Christchurch; Andrews, Baty, and Co., Ltd., Christchurch; Sandford Engraving Co., Christchurch; Timaru Herald Co., Ltd., Timaru; Otago Daily Times and Witness

Newspaper Co., Ltd., Dunedin; Evening Star Co., Ltd., Dunedin; Craig Printing Co., Ltd., Invercargill; Abel Dykes, Ltd., Auckland; Coulls, Somerville, Wilkie, Ltd., Dunedin. Mr. *E. W. Clarkson* for the employers; Messrs *K. Baxter* and *C. H. Chapman* for the workers.

JUDGMENT OF THE COURT, DELIVERED BY PAGE, J.

THE position of the printing industry in relation to a 40-hour week was inquired into by the Court at Wellington on the 26th August, 1936, upon applications made to amend the various awards relating to this industry, and upon corresponding applications made under the Factories Act by one hundred and seventy-two (172) occupiers of factories.

The Court, by a majority, came to the conclusion that under present conditions a 40-hour week was impracticable in this industry, and it delivered a reserved judgment to this effect.

The applications to amend the awards were accordingly refused, and the corresponding applications to extend the hours under the Factories Act were granted in terms of the existing awards.

Applications under the Factories Act have since been received from the remainder of the factory-occupiers engaged in this industry and these applications have now been heard, some in Auckland and the balance in Wellington.

It is contended on behalf of the workers that these applications, not having been filed prior to 1st September, are too late now to be heard. We find ourselves unable to adopt this view.

Subsection (8) of section 3 of the Factories Amendment Act, 1936, provides that the section shall come into force on 1st September, 1936. There is, we think, nothing in the section to suggest that applications must be made prior to that date.

In our opinion applications under this section may lawfully be made and heard at any time subsequent to that date.

Supplementary applications, similar to the present ones, have since September 1st, 1936, been heard and granted by the Court in a number of other industries—*e.g.*, bakers, tanners, fellmongers, and lime-workers.

The present applications are, we think, on the same footing as the 172 applications already dealt with in this industry, and an order must accordingly be made in terms of the judgment delivered on such earlier applications.

Orders will accordingly be made on the present applications extending the hours under the Factories Act to those fixed by the respective awards now in force.

The orders will take effect as from the date hereof, and will continue in force until the date fixed in the earlier applications—viz., 31st August, 1937.

Mr. Monteith, having dissented from the main judgment, dissents from the making of the present order.

Dated this 16th day of October, 1936.

[L.S.]

E. PAGE, Judge.

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