

(11231.) BIG RIVER GOLD-MINERS (REEFTON).—AMENDMENT OF INDUSTRIAL AGREEMENT.

In the Court of Arbitration of New Zealand.—In the matter of the Industrial Conciliation and Arbitration Amendment Act, 1936; and in the matter of an application for amendment of the Big River Gold-miners' (Reefton) industrial agreement, dated the 31st day of August, 1935, and recorded in Book of Awards, Vol. XXXV, p. 1110. Mr. J. Roberts for the workers; Mr. T. H. Lee for the employers.

JUDGMENT OF THE COURT, DELIVERED BY PAGE, J.

THIS is an application made under section 21 of the Industrial Conciliation and Arbitration Amendment Act, 1936, for a reduction to 40 hours per week of the working-hours fixed by the above-mentioned industrial agreement relating to workers employed by the Big River Gold-mines, Ltd.

The statute requires the hours of work to be fixed at 40 per week unless, in the opinion of the Court, it would be impracticable to carry on efficiently the industry if the hours of work were thus limited.

The onus of proof of impracticability lies on the employer.

We have carefully considered the whole of the evidence called and the submissions made on behalf of the parties, and we have come to the conclusion that it has not been established that it would be impracticable to carry on efficiently the work of the company in question on a 40-hour week.

We therefore make an order that the maximum number of hours (exclusive of overtime) to be worked in any week by

any worker bound by the above-mentioned industrial agreement shall be 40, and the industrial agreement will be amended accordingly.

Work on Saturdays will be permitted.

Rates of pay will be adjusted in accordance with subsection (3) of section 21 of the said Act, so that the ordinary rates of weekly wages of any worker shall not be reduced by reason of the reduction made in the number of his working-hours.

This order will come into force on the day of the date hereof.

Dated this 16th day of October, 1936.

[L.S.]

E. PAGE, Judge.

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