

(11266.) FACTORIES AMENDMENT ACT, 1936.—ORDER EXTENDING WORKING-HOURS IN RESPECT OF **NEW ZEALAND CUTTERS' ACADEMY, AUCKLAND.**

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 by New Zealand Cutters' Academy, Auckland, for an extension of the hours of work fixed by that section. Mr. *W. E. Anderson* for the employer; Messrs. *J. McInarney* and *W. Moxsom* for workers.

JUDGMENT OF THE COURT, DELIVERED BY PAGE, J.

THIS is an application made under section 3 of the Factories Amendment Act, 1936, by New Zealand Cutters' Academy, Auckland, for an extension to 44 of the weekly hours of work fixed by that section.

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 work of the factory if the hours of work were thus limited.

The onus of proof of impracticability lies on the employer.

The industry carried on by this applicant is the cutting and selling of paper patterns for the making of garments.

Incidental thereto is the printing and publishing of certain advertising matter, and of a booklet of fashions (quarterly), and of a magazine of fashions (six-monthly).

It is the only business of its kind in New Zealand. It has no protection by way of tariff, and it is subject to considerable competition from overseas. The business has been gradually built up in face of such competition, but the proprietor has been experiencing difficult times.

We think that a case for relief has been made out, and we make an order extending the hours fixed by section 3 of the Factories Amendment Act, 1936, to 44 per week.

The order will continue in force until 31st August, 1937.

Dated this 19th day of October, 1936.

[L.S.]

E. PAGE, Judge.
