

**(11309.) AUCKLAND (TEN-MILES RADIUS) COAL, LIME, SAND,
AND CEMENT MERCHANTS, AND STONEMASONS' LABOURERS.—
DETERMINATION OF CONCILIATION COMMISSIONER.**

In the matter of Part II of the Finance Act, 1936, section 15 (3), and in the matter of a dispute between the Auckland Builders', General, and other Labourers' Industrial Union of Workers, and certain Employers listed as parties to the Auckland (Ten-miles Radius) Coal, Lime, Sand, and Cement Merchants and Stonemasons Labourers' award, recorded in Book of Awards, Vol. XXXIII, p. 820.

DECISION OF CONCILIATION COMMISSIONER.

WHEREAS a question has been submitted for my decision to the following purport: What rates of pay are boys and youths entitled to be paid, as from the 1st July, 1936, employed under the provisions of the Auckland (ten-miles radius) Coal, Lime, Sand, and Cement Merchants and Stonemasons Labourers' award, dated the 14th September, 1933, and still in force.

I find the following facts: That prior to the 2nd October, 1933, there was no provision for the employment of boys and youths under similar awards relating to such industry. The wage-rates prescribed in the award existing prior to the 2nd October, 1933, were not specifically limited to adult workers.

If an employer elected to employ a junior prior to the operation of the order of the Court of Arbitration dated the 29th May, 1931, at work coming within the scope of the then existing award, it would have been obligatory on him to pay the rates prescribed therein, unless the award restricted the rates of pay prescribed to adults.

The Finance Act, Part II, section 15 (3), under which application has been made for a ruling, provides for the restoration as from the 1st day of July, 1936, of the rates of pay ruling prior to the operation of the general order of the Court of Arbitration, dated the 29th day of May, 1931. It further provides that a Conciliation Commissioner, in determining any question submitted to him, shall endeavour to ensure, as far as practicable, that the earnings of any worker employed

under the new award, agreement, or order shall not be less for any week than the earnings he would have been entitled to receive if in that week he had been employed under the conditions prescribed by the original award, agreement, or order.

The reference to the original award referred to in section 15 (3) of the Finance Act, 1936, means the award operative immediately prior to the 29th May, 1931. The award in question did not limit to adults the rates of pay it prescribed.

I find, therefore, that all workers, irrespective of age, employed under the provisions of the current Auckland (ten-miles radius) Coal, Lime, Sand, and Cement Merchants and Stonemasons Labourers' award are entitled, as from the 1st July, 1936, to the rates of pay prescribed by the award of a similar title ruling prior to the 29th May, 1931.

Dated at Auckland this 3rd day of November, 1936.

[L.S.] P. G. E. PRICE, Conciliation Commissioner.
