

(11061.) NORTHERN, WELLINGTON, CANTERBURY, AND OTAGO AND SOUTHLAND WOOLLEN-MILLS EMPLOYEES.—AMENDMENT OF AWARD.

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 to amend the Northern, Wellington, Canterbury, and Otago and Southland Woollen-mills Employees' award, dated the 31st day of August, 1928, and recorded in Book of Awards, Vol. XXVIII, p. 666. Mr. *T. Young* for workers; Mr. *A. S. Cookson* for 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 forty hours per week of the working-hours fixed by the above-named award relating to woollen-mills and to hosiery and knitting factories.

In conjunction therewith, upon the terms detailed in the judgment of the Court given in the applications relating to the footwear manufacturing industry, the Court is considering, under section 3 of the Factories Amendment Act, 1936, two applications made on behalf of twelve factory occupiers for an extension, to forty-four, of the weekly hours of work fixed by the latter statute.

Each of the two statutes requires the hours of work to be fixed at forty per week unless, in the opinion of the Court, it would be impracticable to carry on efficiently the industry (or, as the case may be, the work of the factory) if the hours of work were thus limited.

The onus of proof is 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 industry or the work of any of the factories in question on a forty-hour week.

Under section 21 of the Industrial Conciliation and Arbitration Amendment Act, 1936, we therefore make an order amending the above-mentioned award by fixing at forty the maximum number of hours (exclusive of overtime) to be worked in any week by any worker bound by such award.

Pursuant to section 22 of the same Act, we order that no part of the working-week shall fall on a Saturday.

Rates of pay prevailing on 1st September, 1936, will be adjusted in accordance with subsection (3) of section 21 of the same Act, so that the ordinary rate of weekly wages of any worker shall not be reduced by reason of the reduction made in the number of his working-hours.

The order will take effect on 1st September, 1936.

Dated this 1st day of July, 1936.

[L.S.]

E. PAGE, Judge.

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