

(11066.) WELLINGTON (TWENTY-FIVE MILES RADIUS) TIMBER-YARDS AND SAWMILLS EMPLOYEES; WESTLAND TIMBER-YARDS AND SAWMILLS EMPLOYEES; NORTH CANTERBURY TIMBER-YARDS, SAWMILLS, AND COAL-YARDS EMPLOYEES; DUNEDIN (TEN-MILE RADIUS) BOX-MAKERS, OTAGO PROVINCIAL (EAST AND NORTH OF TAIERI RIVER) TIMBER-YARDS AND SAWMILLS EMPLOYEES; AND SOUTHLAND TIMBER-YARDS AND SAWMILLS EMPLOYEES.—AMENDMENT OF AWARDS.

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 applications to amend the Wellington (Twenty-five Miles Radius) Timber-yards and Sawmills Employees' award, dated the 6th day of August, 1935, and recorded in Book of Awards, Vol. XXXV, p. 794; Westland Timber-yards and Sawmills Employees' award, dated the 5th day of December, 1934, and recorded in Book of Awards, Vol. XXXIV, p. 693; North Canterbury Timber-yards, Sawmills, and Coal-yards Employees' award, dated the 12th day of November, 1934, and recorded in Book of Awards, Vol. XXXIV, p. 610; Dunedin (Ten-miles Radius) Boxmakers' award, dated the 23rd day of March, 1933, and recorded in Book of Awards, Vol. XXXIII, p. 244; Otago Provincial District (East and North of Taieri River) Timber-yards and Sawmills Employees' award, dated the 18th day of December, 1935, and recorded in Book of Awards, Vol. XXXV, p. 1391; and Southland Timber-yards and Sawmills' Employees' award, dated the 16th day of June, 1936. Mr. *J. Reed* for workers; Mr. *A. Seed* for sawmill and box-factory owners; Mr. *D. I. Macdonald* for timber-yard owners.

JUDGMENT OF THE COURT, DELIVERED BY PAGE, J.

THESE are applications 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 six awards above-enumerated relating to sawmills and timber-yards and box-making 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, applications made on behalf of 170 occupiers of sawmills and 56 occupiers of timber-yards and 54 occupiers of box-making factories, for an extension, to forty-four, of the weekly hours of work fixed by the latter statute.

The applications relating to each of these three industries were heard separately, but as the various awards overlap and some of them cover all three industries, they are being dealt with together in the one judgment.

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 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 any of the industries 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 awards by fixing at forty the maximum number of hours (exclusive of overtime) to be worked in any week by any worker bound by any of such awards.

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.

Section 22 of the same Act requires that, in any order made under section 21, the Court shall endeavour to fix daily working-hours so that no part of the working period falls on a Saturday.

This question will be dealt with in a subsequent memorandum.

One of the awards covers also workers in coal-yards, but as the case for such workers has not yet been heard, this present order does not deal with them.

The position of workers in coal-yards will be dealt with after their case has been heard.

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

Dated this 2nd day of July, 1936.

[L.S.]

E. PAGE, Judge.

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