

## OTAGO AND SOUTHLAND INDUSTRIAL DISTRICT.

(11076.) OTAGO AND SOUTHLAND PAPER-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 Otago and Southland Paper-mills Employees' award, dated the 1st day of October, 1930, and recorded in Book of Awards, Vol. XXX, p. 830. Mr. *F. Cornwell* 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 paper-mills.

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, an application made on behalf of a factory occupier 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 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 industry or the work of the factory 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.

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 3rd day of July, 1936.

[L.S.]

E. PAGE, Judge.

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