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**NEW ZEALAND (EXCEPT WESTLAND) FRUIT AND PRODUCE  
MERCHANTS' STOREMEN AND PACKERS.—APPLICATION  
FOR AWARD**

In the Court of Arbitration of New Zealand, Wellington Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of the New Zealand (except Westland) Fruit and Produce Stores' Employees' dispute.

MEMORANDUM OF THE COURT, DELIVERED BY TYNDALL, J.

THIS dispute was completely settled in Conciliation Council, and the assessors' requested that the terms of settlement should be forwarded to the Court to be incorporated in an award.

The dispute was filed on 2nd March, 1943, a date subsequent to the coming into operation of the Economic Stabilization Emergency Regulations 1942; consequently in making the award the Court is bound by Regulation 38. This regulation prescribes that no variation shall be made in the minimum rates of remuneration or the principal conditions of employment for the time being applying to the industry concerned, except such adjustments of anomalies as the Court thinks fit, having regard to the general purpose of the regulations.

The terms of settlement in the present case involve a number of variations in the rates of remuneration and in the principal conditions of employment. We are satisfied that most of the variations may be incorporated in an award without infringing upon the requirements of the regulations, but we are not satisfied that the variations made to the rates of remuneration for females provided for in clauses 5 (d) and 5 (e) are justifiable adjustments of anomalies.

Further, we would express the opinion that, as clause 5 (e) and also the new provision at the end of clause 5 (d) are designed to meet problems which are the outcome of war conditions and, we hope, are of a temporary nature only, they should not be incorporated in the award, but should be dealt with by another authority under a different jurisdiction.

For the above reasons, the terms of settlement are referred back to the parties.

Dated this 13th day of August, 1943.

[L.S.]

A. TYNDALL, Judge.