WAIKATO CARBONIZATION, LTD., EMPLOYEES.—APPLICATION FOR AWARD

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and the Economic Stabilization Emergency Regulations 1942; and in the matter of an industrial agreement made on the 22nd January, 1943, between the Waikato Carbonization, Ltd., Employees' Industrial Union of Workers and the Waikato Carbonization Co., Ltd.

MEMORANDUM OF THE COURT, DELIVERED BY TYNDALL, J.

THE Waikato Carbonization, Ltd., Employees' industrial agreement is stated to have been made on 22nd January, 1943, but a duplicate original was not filed with the Clerk of Awards till August, 1943. Subsection (5) of section 28 of the Industrial Conciliation and Arbitration Act, 1925, requires that a duplicate original of every industrial agreement shall, within thirty days after the making thereof, be filed in the office of the Clerk of the industrial district where the agreement is made.

The Court now has before it an application from the Waikato Carbonization, Ltd., Employees' Industrial Union of Workers, a party to the agreement, requesting that the Court should declare the agreement to be an award pursuant to section 33 of the Industrial Conciliation and Arbitration Act. The agreement provides for a general increase of 3½d. per hour in all the minimum hourly rates of wages at present applying to the industry (42 Book of Awards 373).

Regulation 38 of the Economic Stabilization Emergency Regulations provides that where at any time during the present war any award is made by the Court in respect of any industry, no variation shall be made in the minimum rates of remuneration or the principal conditions of employment for the time being applying to that industry except such adjustments of anomalies as the Court thinks fit, having regard to the general purpose of the regulations.

In the present case it is claimed by the representatives of the parties to the agreement that the work carried on by the industry is of a similar nature to that performed by surface workers in the coal-mining industry, and that as lower minimum rates of wages are prescribed in the present award than apply to surface workers in coal-mines, those rates are anomalous and should be adjusted to bring them into line with the coal-mine workers' rates.

The term "anomaly" connotes some departure from a general rule or practice which the Court must be satisfied has been followed with respect to workers covered by a particular award or engaged in a particular industry or similar industries or spheres of employment.

We know of no general rule or practice under which the rates of wages of workers in low-temperature carbonization plants have been related to the rates prescribed for surface workers in coal-mines, and therefore we are not satisfied that the rates prescribed in the present award are anomalous within the meaning of Regulation 38. Even if we accepted the contention that they are anomalous, we are not at all satisfied that, having regard to the general purpose of the regulations, we should concur in their adjustment in the manner proposed.

The application to declare the agreement to be an award is therefore declined.

Dated this 18th day of October, 1943.

[L.S.] A. TYNDALL, Judge.