

**CANTERBURY INDUSTRIAL DISTRICT FRUIT, VEGETABLE,
CAKE, DAIRY, AND CONFECTIONERY SHOP EMPLOYEES.—
APPLICATION FOR AWARD**

In the Court of Arbitration of New Zealand, Canterbury Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of the Canterbury Fruit, Vegetable, Cake, Dairy, and Confectionery Shop Employees' industrial dispute.

JUDGMENT OF THE COURT, DELIVERED BY TYNDALL, J.

MR. BUTLAND, for the employers, has requested the Court to exercise its powers under section 153 of the Industrial Conciliation and Arbitration Act, and refuse to make an award in this dispute, on the following grounds:—

- (1) That sufficient information has not been supplied to enable the Court to make an award:
- (2) That the combination of shops and the diversity of interests concerned are such that an equitable award cannot be made to cover them.

With regard to the first ground, we agree that the information and evidence before us is quite inadequate to enable us to decide the very many matters still in dispute.

With regard to the second ground, no evidence whatever has been submitted in support of the contention that an equitable award cannot be framed to cover the industry as defined in clause 1 and clause 2 of the partial settlement, and without such evidence we cannot accept the contention.

We are informed that in this dispute the Conciliation Council has met on three occasions, and a measure of settlement has been reached. In view of this fact, we do not think we would be justified at the present stage in refusing to make an award. We therefore have decided to refer the dispute back to the parties, so that they may confer further upon the numerous matters still at issue.

We would also point out that when an application is made for an award in an industry in which there has never been any previous award or industrial agreement, a heavy onus lies on the applicant union, first, to satisfy the Court that it is necessary that an award should be made for the industry, and, secondly, to furnish comprehensive information with the assistance of which the Court can reasonably be expected to make decisions on the matters in dispute.

Dated this 25th day of September, 1944.

[L.S.]

A. TYNDALL, Judge.