
FACTORIES AMENDMENT ACT, 1936.—ORDER EXTENDING
WORKING-HOURS IN RESPECT OF **UNION AIRWAYS OF
NEW ZEALAND, LTD., TASMAN EMPIRE AIRWAYS, LTD.,
AND AIR TRAVEL (NEW ZEALAND), LTD.**

In the Court of Arbitration of New Zealand.—In the matter of the Factories Amendment Act, 1936; and in the matter of applications by Union Airways of New Zealand, Ltd., Tasman Empire Airways, Ltd., and Air Travel (New Zealand), Ltd., for an extension of the limits of working-hours prescribed by section 3 (1) of the said Act.

Tuesday, the 6th day of March, 1945

IN pursuance and exercise of the powers vested in it by section 3 (5) of the Factories Amendment Act, 1936, this Court doth hereby order as follows:—

(1) That in respect of the factories of Union Airways of New Zealand, Ltd., at Mangere, Milson, Rongotai, and Taieri, of Tasman Empire Airways, Ltd., at Mechanics Bay and Hobsonville, and of Air Travel (New Zealand), Ltd., at Hokitika, the limit of working-hours prescribed by paragraph (a) of subsection (1) of section 3 of the said Act is hereby extended to forty-four hours (excluding meal-times) in any one week.

(2) That this order shall be deemed to have come into force on the 10th day of August, 1944, and shall continue in force until the 20th day of March, 1945.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

These are applications under section 3 of the Factories Amendment Act, 1936, for an extension of the working-hours to forty-four in respect of the factories occupied by the undermentioned companies:—

Union Airways of New Zealand, Ltd., operating factories at Mangere (Auckland), Milson (Palmerston North), Rongotai (Wellington), and Taieri (Dunedin):

Tasman Empire Airways, Ltd., operating factories at Mechanics Bay (Auckland) and Hobsonville (Auckland):

Air Travel (New Zealand), Ltd., operating a factory at Hokitika.

The applications were filed in July, 1944.

At the hearing Mr. Belford, for the applicants, asked that if the Court decided to grant the applications the period should be from 10th August, 1944, to 20th March, 1945.

Subject to the provisions of the Factories Act, the hours of work in the industry are governed by an agreement under the Labour Disputes Investigation Act, 1913 (44 Book of Awards 758). Clause 2 of this agreement reads:—

Except as otherwise herein provided, forty-four hours shall constitute an ordinary week's work, to be worked between the hours of 7 a.m. and 7 p.m., Mondays to Fridays, and/or between 7 a.m. and

noon on Saturdays: Provided that, except for the employers' right to work shifts when required, the period worked on any one day of the week shall be worked on each other working-day in that week by the same employee unless otherwise agreed between the employer and the employee.

On 9th December, 1943, the Court made an order under the Factories Amendment Act covering the factories in question (43 Book of Awards 671). This order expired on 9th August, 1944.

The present applications cover the period from the expiry of that order to the date of the expiry of the aforementioned agreement.

As we have had no evidence of any material change in conditions since the matter was before us in 1943, it has been decided to grant the applications.

Mr. Monteith is not in agreement, and his dissenting opinion follows.

A. TYNDALL, Judge.

DISSENTING OPINION OF MR. MONTEITH

This order will cover mostly engineers who service and repair aero engines in factories. I see no reason why these workers who work in factories should be placed in any different position to other engineers who service and repair other classes of engines and who work a forty-hour week. Because of shortage of engineers, the employers of other classes of engineers have to pay overtime for work done on Saturday morning; and this application is not one of need to work on Saturday, but an application to save payment of overtime. In other words, it is to get their labour cheaper than other employers of engineers.
