

FACTORIES AMENDMENT ACT, 1936.—APPLICATION FOR ORDER  
EXTENDING WORKING-HOURS IN RESPECT OF S. KIRKPATRICK  
AND CO., LTD., NELSON.

In the Court of Arbitration of New Zealand.—In the matter of the Factories Amendment Act, 1936; and in the matter of an application by S. Kirkpatrick and Co., Ltd., Nelson, for an extension of the limits of working-hours prescribed by section 3 (1) of the said Act.

JUDGMENT OF THE COURT, DELIVERED BY TYNDALL, J.

THIS is an application under section 3 (5) of the Factories Amendment Act, 1936, for an extension of the limits of working-hours prescribed by section 3 (1) of that Act. The application was filed on 11th July, 1944. Since that date an appeal which has some bearing on this application—namely, *United Repairing Co., Ltd. v. Glover* (recorded in 44 Book of Awards 1274)—has been decided by the Full Court.

The applicant company, S. Kirkpatrick and Co., Ltd., is an original party to the Nelson Industrial District Fruit-preserving and Vegetable-canning Employees' award (44 Book of Awards 484). The award provided in clause 2 for a forty-four-hour week during the summer months (from 1st November to 30th April inclusive) and for shift work.

Clause 12 of the award reads:—

Pursuant to the provisions of section 3 of the Factories Amendment Act, 1936, the limits of hours fixed by subsection (1) of that section are hereby extended upon the terms of this award in respect of every occupier of a factory bound by this award.

In *United Repairing Co., Ltd. v. Glover* a similar clause in an award was held to be a valid order under section 3 (5) of the Factories Amendment Act, 1936. We hold, therefore, that in the present case there is already a valid order in existence which, in respect of the factory of S. Kirkpatrick and Co., Ltd., extends the limits of working-hours prescribed by section 3 (1) of the Act and that such order is operative until the 10th day of July, 1945, the date on which the currency of the award expires.

Consequently, there is no necessity to give consideration to the present application.

Dated this 6th day of March, 1945.

[L.S.]

A. TYNDALL, Judge.