

NEW ZEALAND (EXCEPT MARLBOROUGH, NELSON, AND WESTLAND) **TIMBER-WORKERS**.—APPLICATION FOR EXTENSION OF SCOPE OF AWARD

In the Court of Arbitration of New Zealand, Nelson and Marlborough Industrial Districts.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of the New Zealand (except Marlborough, Nelson, and Westland) Timber-workers' award, dated the 20th day of December, 1944, and recorded in 44 Book of Awards 1289.

JUDGMENT OF THE COURT, DELIVERED BY TYNDALL, J.

THE Court has before it applications from the New Zealand Timber Merchants' Industrial Union of Employers to have the New Zealand (except Marlborough, Nelson, and Westland) Timber-workers' award extended so as to join and bind parties in the Nelson and Marlborough Industrial Districts.

On 1st September, 1942, a combined district award for the timber industry was made (42 Book of Awards 961). The award included within its coverage the Nelson and Marlborough Industrial Districts, and its currency was stated to expire on 1st September, 1943.

Subsection 1 (d) of section 89 of the Industrial Conciliation and Arbitration Act, 1925, reads:—

The currency of the award, being any specified period not exceeding three years from the date on which the award is expressed to come into force, or if the award fixes different dates on which different provisions shall come into force, then from the earlier or earliest of such dates:

Provided that, notwithstanding the expiration of the currency of the award, the award shall continue in force until a new award has been duly made or an industrial agreement entered into, except where, pursuant to the provisions of section twenty-two or section twenty-three hereof, the registration of an industrial union of workers bound by such award has been cancelled.

We are of opinion that, by virtue of section 89, the 1942 award referred to above is still in force in the Nelson and Marlborough Industrial Districts, for the reasons that no new award has been made or any industrial agreement entered into governing the timber industry in those districts, and no industrial union of workers bound by the 1942 award has been cancelled pursuant to section 22 or section 23 of the Act. The granting of the present applications to extend the New Zealand (except Marlborough, Nelson, and Westland) Timber-workers' award would not, in our opinion, constitute the making of a new award.

There being an award already in operation for the timber industry in the Nelson and Marlborough Industrial Districts, the applications to extend another award to cover the same districts is accordingly declined.

Dated this 6th day of September, 1945.

[L.S.]

A. TYNDALL, Judge.
