

NORTHERN INDUSTRIAL DISTRICT **FRONT-OF-HOUSE**  
**EMPLOYEES.**—APPLICATION FOR EXEMPTION FROM  
AWARD

In the Court of Arbitration of New Zealand, Northern Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of the Northern Industrial District Front-of-house Employees' award, dated the 13th day of December, 1944, and recorded in 44 Book of Awards 1064.

JUDGMENT OF THE COURT, DELIVERED BY TYNDALL, J.

THE Court has before it three applications under section 89 (3) of the Industrial Conciliation and Arbitration Act for total or partial exemption from the Northern Industrial District Front-of-house Employees' award (44 Book of Awards 1064).

The applications are couched in the same terms and are signed by the following parties:—

- Picturedrome, Milford, Ltd., N. R. W. Thomas, Secretary.  
 G. F. V. Townshend.  
 A. Chittenden, Ambassador Theatre.  
 J. Arnerich.  
 G. Sinton, Managing Director—  
 Northland Pictures, Ltd.,  
 Hikurangi Pictures, Ltd.,  
 The Gaiety Theatre, Ohaewai.  
 J. L. Coats, Tikitiki.  
 W. L. Wheeler—  
 Te Kaha.  
 Te Araroa.  
 Waipiro Bay.  
 Tolaga Bay.

Mr. Thomas appeared before the Court to prosecute the application on behalf of Picturedrome, Milford, Ltd.

An intimation was received later from Mr. G. F. V. Townshend that he did not wish to pursue his application.

The other parties were asked by letter whether they desired to be heard by the Court; alternatively, they were advised that the Court would be prepared to consider any written submissions they might care to make in support of their applications.

To date no reply has been received from Messrs. Chittenden, Arnerich, and Sinton. Written submissions have been made on behalf of Messrs. Coats and Wheeler.

The original applications read as follows:—

We, the undersigned picture theatre proprietors, hereby apply for total or partial exemption from the above award, upon the grounds that—

- (1) We were not cited as parties to the dispute leading to the promulgation of the said award.
- (2) The award as promulgated makes no provision for the operational difficulties incidental to our particular locations.
- (3) The following provisions should apply to period workers as set out in the said award:—

In suburban and country theatres period workers—

(a) May be employed for a minimum of one hour for a payment of 2s. 6d., one hour and a half for 3s., and thereafter at the rate of 2s. per hour, calculated to the nearest quarter of an hour;

(b) May be called on to do any incidental work in and about the theatre (other than cleaning) during the ordinary hours of screening;

(c) Bill posting to apply to work exceeding half an hour.

With regard to the first ground mentioned in the above application, it is true that, with the exception of G. Sinton, none of the applicants were cited as original parties to the industrial dispute which led to the making of the award; but it appears clear that they were deemed to be respondents in the dispute by virtue of section 5 (1) of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1937. The fact that G. Sinton was cited as an original party as well as a number of other concerns located in the smaller centres is an indication that employers were cited who were representative of the class of picture-theatre proprietor to which the applicants belong.

With regard to the second ground, we have to point out that the award was made in accordance with the terms of settlement reached by the parties in Conciliation Council. There are a large number of proprietors of suburban and country theatres other than the applicants who are covered by the award, and we can discern no appreciable distinction between the conditions under which they are in general working and the conditions under which the applicants are working.

The applications for total or partial exemption are declined.

An application for exemption was also lodged by H. A. Hamilton, Paeroa, but as such application was not made within the time limit prescribed by the Act it has not been considered by the Court.

Dated this 14th day of December, 1945.

[L.S.]

A. TYNDALL, Judge.

---