

**NEW ZEALAND PAINTERS AND DECORATORS.—PARTIAL  
EXEMPTION FROM AWARD**

In the Court of Arbitration of New Zealand, Northern, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments, and in the matter of the New Zealand Painters and Decorators' award dated the 7th day of July, 1947, and recorded in 47 Book of Awards, page 1025.

IN pursuance and exercise of the powers conferred by section 89 of the Industrial Conciliation and Arbitration Act, 1925, as amended by section 5, subsection (4), of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1937, I, Osborne Gunning Stevens, a Deputy Judge of the Court of Arbitration, acting in pursuance of an order of delegation of the Court of Arbitration, do order:—

(1) That the employers named in the schedule hereunder whose principal trade or business is other than that of a painter or decorator shall be exempt from the provisions of clause 9 (Suburban Work) of the New Zealand Painters and Decorators' award which bears date the 7th day of July, 1947, and is recorded in 47 Book of Awards, page 1025, in respect of such of their employees as are regularly and continuously engaged only in, upon, or about the respective premises used or occupied by them respectively for the purpose of the trade or business of each such respective employer in all or any of the operations set out in clause 1 of the said award: Provided, however, that this exemption shall not apply in the case of any such employee whilst employed in any of the said operations in said clause 1 on or in relation to new construction work, not being minor alterations, lockers, shelving, or similar fittings. For the purpose of this exemption any alteration which shall not cost more than a sum of £150 shall be deemed to be a minor alteration.

(2) That this order shall be deemed to have come into effect on the 14th day of July, 1947.

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#### SCHEDULE

R. and W. Hellaby, Ltd., Otahuhu, Auckland.

Westfield Freezing Co., Ltd., Otahuhu, Auckland.

Auckland Farmers' Freezing Co., Ltd., Tooley Street, Auckland.

Auckland Farmers' Freezing Co., Ltd., Southdown, Auckland.

Auckland Farmers' Freezing Co., Ltd., Horotiu, Auckland.

Auckland Farmers' Freezing Co., Ltd., Moerewa, Auckland.

Thos. Borthwick and Sons (A'sia), Ltd., Tokomaru Bay.

Gisborne Refrigerating Co., Ltd., Gisborne.

Thos. Borthwick and Sons (A'sia), Ltd., Waitara.

Patea Freezing Co., Ltd., Patea.

Thos. Borthwick and Sons (A'sia), Ltd., Feilding.  
 Co-operative Wholesale Society, Ltd., Longburn.  
 Wellington Meat Export Co., Ltd., Ngahauranga, Wellington.  
 J. C. Hutton (New Zealand) Ltd., Ngahauranga, Wellington.  
 Thos. Borthwick and Sons (A'sia), Ltd., Waingawa.  
 Nelsons (New Zealand), Ltd., Tomoana, Hastings.  
 Hawke's Bay Farmers' Meat Co., Ltd., Whakatu, Hastings.  
 Swift New Zealand, Ltd., Wairoa.  
 Nelson Freezing Co., Ltd., Nelson.  
 North Canterbury Sheepfarmers' Freezing Co., Ltd., Kaiapoi.  
 Canterbury Frozen Meat Co., Ltd., Belfast.  
 Thos. Borthwick and Sons (A'sia), Ltd., Belfast.  
 Canterbury Frozen Meat Co., Ltd., Fairfield.  
 Canterbury Frozen Meat Co., Ltd., Pareora.  
 Waitaki Farmers' Freezing Co., Ltd., Pukeuri.  
 South Otago Freezing Co., Ltd., Balclutha.  
 Southland Frozen Meat Co., Ltd., Maitauroa.  
 Southland Frozen Meat Co., Ltd., Makarewa.  
 Ocean Beach Freezing Co., Ltd., Ocean Beach.

Dated this 5th day of May, 1948.

[L.S.]

OSBORNE STEVENS,

Deputy Judge of the Court of Arbitration,  
 acting in pursuance of an order of delegation of the  
 Court of Arbitration.

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MEMORANDUM

The Court of Arbitration by order bearing date the 22nd day of December, 1947, gave partial exemption from the suburban-work clause in the New Zealand (except Otago and Southland) Carpenters and Joiners' award, dated the 7th day of July, 1947, and recorded in 47 Book of Awards, page 994, to certain of the employers referred to in the schedule above in respect of carpenters and joiners regularly and continually employed by such employers.

I am bound to follow so recent a decision of the Court of Arbitration in respect of painters employed by the same employers and by other employers engaged substantially, if not wholly, in a similar class of business.

The representative for the New Zealand Federated Painters and Decorators' Union of Workers cited in support of his submissions in opposing the application *Hopper v. Gear Meat Co., Ltd.*, which is a case on appeal cited in 47 Book of Awards, page 1098. The order for partial exemption to which I have referred in the foregoing paragraph was made at a date subsequent to the date of the decision in the above-mentioned case.

I have withheld my decision in connection with this application until I had heard other applications for exemption from this award in other centres.

OSBORNE STEVENS,  
Deputy Judge of the Court of Arbitration.

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