

**NEW ZEALAND TEA-ROOMS AND RESTAURANTS EMPLOYEES—
APPLICATION TO STRIKE OUT PARTIES FROM DISPUTE**

In the Court of Arbitration of New Zealand, Wellington Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925 and its amendments; and in the matter of an industrial dispute between the New Zealand Federated Hotel, Restaurant and Related Trades' Employees' Industrial Association of Workers, Applicants, and The Farmers Tea Rooms, Mrs. G. McKinstry (Manageress), Hobson Street, Auckland; Garlands Restaurant, S. Garland (Proprietor), 174 Featherston Street, Wellington; Centreway Cafeteria, T. J. Coleman (Proprietor), New Plymouth; Fails Restaurant, G. R. Fail (Proprietor), 82 Cashel Street, Christchurch; Savoy Ltd., P. Barling (Manager), Moray Place, Dunedin; Herbert Haynes Tea Rooms, J. W. Wood (Manager), Tay Street, Invercargill; Prestons Tea Rooms, H. Preston (Proprietor), Revell Street, Hokitika; Havmor Milk Bar, J. B. Ivory (Proprietor), Trafalgar Street, Nelson; Regent Tea Rooms, Ray Coker and Harold Mills (Proprietors), Blenheim, and other employers listed, Respondents; and in the matter of an application by R. A. Couper, Caterer, Industrial Workers' Camp, Hataitai; J. E. C. Stevens, Caterer, Workers' Camp, Winter Show Buildings, Wellington; G. Searle, National Service Camp, Petone. *Mr. Turner* on behalf of the Applicants in support. Dated the 13th day of July, 1949.

DECISION OF DEPUTY JUDGE OF THE COURT OF ARBITRATION

THIS is an application by R. A. Couper, Caterer, Industrial Workers' Camp, Hataitai, J. E. C. Stevens, Workers' Camp, Winter Show Buildings, Wellington, G. Searle, National Service Camp, Petone, to be struck out of the above-mentioned Dispute.

There was no evidence adduced at the Hearing on behalf of the Applicant G. Searle and his application is accordingly struck out. The relevant evidence of the Applicants R. A. Couper and J. E. C. Stevens is that certain workers are employed at a Camp at Hataitai and others at a Camp at the Winter Show. These workers pay the Department of Labour a certain sum as full weekly board which includes lodging and meals with an allowance under certain circumstances. The workers who obtain the benefit of such board and lodging have to satisfy certain requirements but that does not affect the position here. Such Department while it provides the lodging or accommodation, has entered into a Contract with the Applicants whereby the Applicants supply at a Dining Room at the Camp the meals to which such boarders are entitled and certain workers are employed by them in connection therewith.

The Applicants have heretofore observed the provision of the Private-Hotels Employees' Award as the one which they consider as applicable in their particular case and that provision appears to have been accepted heretofore. However, the Applicants were joined as parties to the above-mentioned dispute and the question to be resolved is whether the business in which they are engaged is one to which the New Zealand Private-Hotels Employees' Award or the New Zealand Tea-Rooms and Restaurants Employees' Award is applicable. The industry to which the Private-Hotel Workers' Award relates is set out in Clause 1 (a) of that Award. The word "Private Hotel" is defined in Clause 1 (d) of the same Award. Portion of the business of a Private-Hotel as defined is to provide lodging. The Applicants do not do so and thus cannot come within the scope of that Award. Clause 1 (a) of the New Zealand Tea-Rooms and Restaurant Employees' Award defines the persons to whom that Award applies. The employees of the Applicants are clearly at least employed in an establishment where food is supplied for consumption on the premises and are not within the exception therein set out. They therefore come within the scope of that Award and the applications are therefore dismissed.

[L.S.]

O. G. STEVENS,

Deputy Judge of the Court of Arbitration
acting in pursuance of an Order of Delegation to the
Court of Arbitration.