

AUCKLAND (21-MILE RADIUS) BUTCHERS—AWARD

In the Court of Arbitration of New Zealand, Northern Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the Auckland Butchers Industrial Union of Workers (hereinafter called “the union”) and the under-mentioned unions, firms and companies (hereinafter called “the employers”):

Auckland Provincial Master Butchers’ Industrial Union of Employers, National Insurance Buildings, 12 O’Connell Street, Auckland.

Auckland Butchers (Multiple Shops) Industrial Union of Employers, National Insurance Buildings, 12 O’Connell Street, Auckland.

Chesney, R., Ltd., 308 Dingwall Building, Auckland.

Otara Retail Traders, 628–638 Great South Road, Otahuhu.

THE Court of Arbitration of New Zealand (hereinafter called “the Court”), having taken into consideration the matter of the abovementioned dispute, and having heard the union by its representatives duly appointed, and having also heard such of the employers as were represented either in person or by their representatives duly appointed, and having also heard the witnesses called and examined and cross-examined by and on behalf of the said parties respectively, doth hereby order and award:

That, as between the union and the members thereof and the employers and each and every of them, the terms, conditions, and provisions set out in the Schedule hereto and of this award shall be binding upon the union and upon every member thereof and upon the employers and upon each and every of them, and that the said terms, conditions, and provisions shall be deemed to be and they are hereby incorporated in and declared to form part of this award; and, further, that the union and every member thereof and the employers and each and every of them shall respectively do, observe, and perform every matter and thing by this award and by the said terms, conditions, and provisions respectively required to be done, observed, and performed, and shall not do anything in contravention of this award or of the said terms, conditions, and provisions, but shall in all respects abide by and perform the same. And the Court doth hereby further award, order, and declare that any breach of the said terms, conditions, and provisions set out in the Schedule hereto shall constitute a breach of this award, and that a penalty as by law provided shall be payable by any party or person in respect thereof. And the Court doth further order that this award shall take effect as hereinafter provided and shall continue in force until the 14th day of December 1961 and thereafter as provided by section 152 of the Industrial Conciliation and Arbitration Act 1954.

In witness whereof the seal of the Court of Arbitration hath hereto been affixed, and the Judge of the Court hath hereunto set his hand, this 14th day of June 1960.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

Industry to Which Award Applies

1. This award shall apply to the industry of butchers both in its wholesale and in its retail branches. The industry shall include the business of preparing and supplying for public consumption meat cooked or uncooked, the manufacture

and sale of small-goods, the businesses carried on by pork butchers and small-goods and delicatessen factories and shops. It shall apply to freezing companies only in respect of the manufacture of small-goods and the supply of meat to the general public at their retail shops including those shops forming part of the same premises as freezing works. And it shall also apply to all shops of any description in respect to the sale in them of fresh, frozen, or chilled meat: Provided that nothing in this award shall apply to workers employed in the bacon-curing industry as provided for in the Northern Industrial District Bacon Workers' Award.

Hours of Work

2. The ordinary hours of work shall not exceed 40 per week, and shall be worked as follows:

(a) For butchers' assistants:

(i) In the Auckland Meat Company's shop, Wakefield Street; R. and W. Hellaby's shop, Quay Street; and the Hydra Bacon and Meat Company's shop, College Hill; Mondays to Thursdays (inclusive), from 7.15 a.m. to 4 p.m.; Fridays, 6.30 a.m. to 5 p.m.

(ii) In all other butchers' shops: Mondays to Thursdays (inclusive), 7.45 a.m. to 4.30 p.m.; Fridays, 7 a.m. to 5 p.m.

Provided that when carting meat to shops, supplying shipping, or attending early trains, butchers' assistants may be required to commence work at an earlier hour, but not before 6 a.m.; but the number of hours worked in one day shall not exceed those allowed in paragraphs (i) and (ii).

(b) For workers employed exclusively as pork-butchers' assistants, small-goods assistants, or delicatessen-shop assistants: Mondays to Fridays (inclusive), from 8 a.m. to 5 p.m.

(c) For workers employed in any other shop selling fresh, frozen, or chilled meat: Mondays to Thursdays (inclusive), 7.45 a.m. to 4.30 p.m.; Fridays, 7 a.m. to 5 p.m.

(d) For small-goods factory workers, not exceeding eight hours on any day, Mondays to Fridays inclusive; between 7.15 a.m. and 5 p.m.

(e) For motor-drivers and horse-drivers the hours shall be regulated by the employer, provided that:

(i) They shall be regulated in advance:

(ii) They shall not exceed eight hours on Mondays to Fridays inclusive.

(f) For all workers:

(i) Except for the times allowed for meals, the daily hours of work shall be consecutive:

(ii) Any worker required to work before 7 a.m. shall be allowed one half-hour for breakfast:

(iii) Any worker required to work after 12 noon shall be allowed one hour for lunch.

(g) All workers shall be allowed 10 minutes both in the morning and afternoon for refreshments, such time to be counted as time worked.

Opening and Closing of Shops

3. (a) In exercise of the powers vested in the Court by the Shops and Offices Act 1955 and subject to section 5 of that Act, it is ordered that any shop in which is substantially carried on (within the meaning of section 2 (5) of the same Act)

any of the undermentioned classes of business to which this award relates in that part of the Northern Industrial District in which this award has effect shall observe the appropriate opening and closing hours set out hereunder:

	Hour of Opening (Not Earlier Than)	Hour of Closing (Not Later Than)
(i) In the case of butchers' shops mentioned in paragraph (i) of subclause (a) of clause 2:		
Mondays, Tuesdays, Wednesdays	7.15 a.m.	4 p.m.
Thursdays	7 a.m.	4 p.m.
Fridays	6 a.m.	5 p.m.
(ii) In the case of butchers' shops mentioned in paragraph (ii) of subclause (a) of clause 2:		
Mondays, Tuesdays, Wednesdays	7.30 a.m.	4.30 p.m.
Thursdays	7 a.m.	4.30 p.m.
Fridays	6 a.m.	5 p.m.
Provided that workers may be employed in the delivery of meat to institutions, hotels, boarding-houses, restaurants, and shipping before these hours specified in paragraphs (i) and (ii), but this shall not permit the sale of meat over the counter.		
(iii) In the case of all pork-butchers, small-goods and delicatessen shops mentioned in subclause (b) of clause 2:		
Mondays, Tuesdays, Wednesdays, Thursdays and Fridays	8 a.m.	5 p.m.
(iv) In the case of all other shops mentioned in subclause (c) of clause 2 in respect of the sale by them of fresh, frozen, or chilled meat:		
Mondays, Tuesdays, Wednesdays	7.30 a.m.	4.30 p.m.
Thursdays	7 a.m.	4.30 p.m.
Fridays	6 a.m.	5 p.m.

(b) All the said shops shall be closed all day on Saturday in each week and from the hour of 7.30 a.m. in each of the days prescribed in this award as holidays, including days lawfully observed as holidays in lieu of any prescribed.

Overtime

4. (a) All work done on any one day, of whatever nature or kind, in excess of the hours specified, or before the time specified for commencing work or after the time specified for ceasing work, shall be deemed to be overtime and shall be paid for at time and a half rates for three hours and double time thereafter: Provided that any time worked by workers (other than assistants loading out meat from wholesale depots of freezing companies and drivers employed delivering meat from such wholesale depots to retail shops) before 6.30 a.m. on each day, Monday to Thursday, both days inclusive, or before 6 a.m. on Friday, shall be paid for at double time rates.

(b) All workers required to work overtime for more than one hour or more after the normal time for ceasing work shall be paid 5s. tea money: Provided that no payment shall be made under this subclause to a worker who finishes his day's work at or before 5.30 p.m.

Wages

	Payable from 26 March 1960 to 13 June 1960.			Payable on and after 14 June 1960.		
	Per Week			Per Week		
	£	s.	d.	£	s.	d.
5. (a) In the case of butchers' assistants:						
First shopman or man in charge	11	15	6	14	12	0
Second shopman	11	0	0	13	12	10
All other butchers' assistants	10	7	8	12	17	6
Cellarmen and packers	10	7	8	12	17	6
Chamber hands	10	7	8	12	17	6
Boners	10	7	8	12	17	6
(b) In the case of pork-butchers' assistants, delicatessen-shop assistants, small-goods shop assistants, and assistants in other shops who handle or sell fresh, frozen, or chilled meat:						
First assistant or person in charge (male)	11	15	6	14	12	0
Second male assistant	11	0	0	13	12	10
All other male assistants	10	7	8	12	17	6
Female assistant (if in charge)	8	18	0	11	0	9
All other female assistants:						
First half year	4	5	6	5	6	0
Second half year	5	3	0	6	7	9
Thereafter	6	16	9	8	9	7
In shops where both male (other than youths) and female assistants are employed, the female assistant, if in charge, shall be paid not less than	11	13	0	13	19	10
(c) In the case of workers engaged in small-goods factories:						
First small-goods man	11	15	6	14	12	0
Second small-goods man	11	0	0	13	12	10
All other workers employed in small-goods factories	10	7	8	12	17	6
Female workers may be employed at suitable work in small-goods factories and in packing rooms and shall be paid a minimum wage of:						
First half year	4	5	6	5	6	0
Second half year	5	3	0	6	7	9
Thereafter	6	16	9	8	9	7
(d) In the case of drivers engaged in carting meat or other material in wholesale quantities only:						
(i) For those driving and attending to motor vehicles with a combined weight of vehicle and maximum load not exceeding 2 tons						
	9	18	1	12	5	7
(ii) For those driving and attending to motor vehicles with a combined weight of vehicle and maximum load exceeding 2 tons but not exceeding 4 tons						
	10	1	5	12	9	9
(iii) For those driving and attending to motor vehicles with a combined weight of vehicle and maximum load exceeding 4 tons but not exceeding 5½ tons						
	10	4	9	12	13	11

	Payable from 26 March 1960 to 13 June 1960. Per Week £ s. d.	Payable on and after 14 June 1960. Per Week £ s. d.
(iv) For those driving and attending to motor vehicles with a combined weight of vehicle and maximum load exceeding 5½ tons but not exceeding 10 tons	10 10 0	13 0 5
(v) For those driving and attending to motor vehicles with a combined weight of vehicle and maximum load exceeding 10 tons	10 14 0	13 5 4

(e) All wages prescribed in this clause are weekly wages and are not subject to any deduction, save for time lost through sickness, accident, or default of the worker.

Casual Workers

6. (a) Male workers employed on casual work shall be paid not less than 6s. 1d. per hour for the period 26 March 1960 to 13 June 1960 and 7s. 6d. on and after 14 June 1960.

(b) Female workers employed as pork-butchers, small-goods or delicatessen shop assistants shall be paid not less than 4s. 11d. per hour for the period 26 March 1960 to 13 June 1960 and 6s. 1d. on and after 14 June 1960.

(c) No casual worker (whether male or female) shall be employed or paid for less than six hours on any day.

(d) No casual worker under the age of 21 years shall be employed.

Youths

7. (a) Employers may employ youths.

(b) All youths shall be paid not less than the wages specified in the following scale:

	Payable from 26 March 1960 to 13 June 1960. Per Week £ s. d.	Payable on and after 14 June 1960. Per Week £ s. d.
Under 15½ years of age	3 7 6	4 3 8
From 15½ to 16 years of age	3 11 9	4 9 0
From 16 to 16½ years of age	4 0 6	4 19 10
From 16½ to 17 years of age	4 10 0	5 11 7
From 17 to 18 years of age	5 4 0	6 9 0
From 18 to 19 years of age	6 1 0	7 10 0
From 19 to 20 years of age	7 5 9	9 0 9
From 20 to 21 years of age	8 9 0	10 5 0

(c) The proportion of youths employed shall not exceed one youth to every two journeymen or fraction of the first two journeymen employed.

(d) Where bicycles are used by youths to deliver meat, the combined weight of the bicycle and the meat shall at no time exceed 125 lb.

(e) No youth under the age of 21 years shall carry quarters of beef.

(f) The wages prescribed in this clause are weekly wages and are not subject to any deduction, save for time lost through sickness, accident or default of the worker.

Increase in Rates of Remuneration

8. For the period commencing on the 26th day of March 1960 and expiring on the 13th day of June 1960 the rates of wages determined by this award shall be increased to the extent and in the manner prescribed by the general order of the Court made under the Economic Stabilisation Regulations 1953, and dated the 18th day of September 1959.

Requirements of Economic Stabilisation Regulations

9. No worker bound by this award shall in any week be paid a lesser amount by his employer than the worker would have been entitled to be paid under this award if it had specifically applied the general order of the Court dated 18 September 1959 otherwise than by incorporation pursuant to the pronouncement of the Court dated 18 September 1959. This provision shall have application to the rates of remuneration payable from the date of making of this award.

Termination of Employment

10. Not less than one week's notice shall be given by either party of the termination of the employment, except in the case of casual labour, but nothing in this clause shall prevent an employer from summarily dismissing a worker for serious misconduct. The period of notice in either case shall be exclusive of the whole or any part of the annual holiday required to be given in pursuance of this award.

Payment of Wages

11. All wages shall be paid not later than Thursday of each week, and shall be paid up to and including the day of payment: Provided that in the case of all workers employed in or about the Quay Street premises of R. and W. Hellaby Ltd., or in or about the Wakefield Street premises of the Auckland Meat Co. Ltd., the wages shall be paid up to and including the day preceding the day of payment. When a holiday falls on a Friday, the wages shall be paid not later than the Wednesday preceding the holiday.

Holidays

12. (a) The following shall be observed as holidays: New Year's Day, 2 January, 29 January, Good Friday, Easter Saturday, Easter Monday, Labour Day, the birthday of the reigning Sovereign, Christmas Day, Boxing Day, and Anzac Day.

(b) All time worked on any Sunday or any of the holidays mentioned in subclause (a) of this clause shall be paid for at the rate of double time, and such payment shall be in addition to the weekly wage.

(c) In the event of a holiday, other than Anzac Day or Easter Saturday, falling on a Saturday or on a Sunday, such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

Annual Holidays

13. (a) An annual holiday of two weeks on full pay shall be granted to each worker upon completion of each year of service, in accordance with the provisions of the Annual Holidays Act 1944, such annual holiday to be in addition to the holidays (exclusive of Easter Saturday and Anzac Day where these days fall on a Saturday or on a Sunday) provided for in subclause (a) of clause 12 hereof: Provided, however, that upon completion of 10 years' continuous service with the same employer a worker shall be granted in respect of the tenth and each further

year of service with that employer an annual holiday of three weeks instead of two weeks. The additional week's holiday may be taken separately at a time to be mutually agreed upon between the employer and the worker concerned.

(b) A worker not completing a year of service with an employer shall be granted payment in accordance with the provisions of the Annual Holidays Act 1944.

Equipment

14. (a) All workers employed in the work of retail butchers' and pork-butchers' shops, including roundsmen, shall be supplied with white coats, white aprons, and blue waist aprons, and with knives, steels, stones, pouches, and all tools and other requisites for use in butchers' and pork-butchers' shops or on a delivery round. The coats and aprons shall be laundered by or at the expense of the employer.

Carrying covers shall be available for workers required to load or unload meat.

(b) All females employed under this award shall be supplied with at least two clean smocks each week.

(c) Workers employed in small-goods factories or in the wholesale department of butchers' shops or in the pickling departments of factories shall be supplied with clean aprons, overalls, and where necessary for their work, with leggings and boots suitable to the conditions under which they work and also with tools and other requisites for use in their work.

(d) All chamber-hands shall be provided with clean overalls and with warm jerseys, gloves, and boots suitable for use in chambers.

(e) All motor drivers, horse-drivers, and drivers' assistants employed in loading, unloading, or handling meat shall be supplied with overalls and carrying covers. The overalls and covers shall be laundered once weekly by or at the expense of the employer.

(f) In lieu of providing coats and aprons, knives, steels, stones, pouches, and the laundering of coats and aprons, as prescribed by subclause (a) of this clause, an employer may pay to workers weekly a sum of not less than 15s. 6d.

Every worker receiving such weekly payment shall provide for himself and maintain such of the tools and equipment (including coats and aprons) as may be necessary for him in his work: Provided that no worker shall be required to provide and maintain equipment (including replacements and laundering) that in value for the provisions and maintenance is beyond the weekly payment received by him.

(g) In lieu of the laundering of smocks, aprons, and overalls prescribed under subclauses (b), (c), (d), and (e) of this clause, an employer may pay the workers a weekly sum of not less than 6s. 3d.

(h) In lieu of supplying boots as prescribed by subclauses (c) and (d) of this clause, an employer may pay workers weekly a sum of not less than 3s.

General Conditions

15. (a) In the case of weekly employment, where a worker is employed for more than half his time in any one week on any class of work, he shall be paid the rate of wages laid down for that class.

(b) At each stable and motor-garage there shall be kept a time-book in which there shall be entered day by day the time that each motor-driver and horse-driver employed in connection with such stable or garage commences and the time at which he ceases work. Every such entry shall be signed by the worker whose time is recorded.

(c) Where workers are required to stand and work in wet places, wooden grating shall be provided for the workers to stand upon.

(d) When an employer is substantially performing the work of a shopman in his own shop he may classify himself as first shopman.

(e) First-aid appliances for use in case of accident shall be provided at each shop or factory.

(f) Chamber hands who are in a heated condition through working outside shall be allowed spells of a reasonable time to enable them to cool before entering the freezing chambers.

(g) No female shall be employed as a butcher's assistant, or in doing in or about a butcher's shop or the butcher's department of a combined butcher's and pork-butcher's shop or in any other shop work usually done by a butcher's assistant, or in handling, other than in the form of small-goods, any fresh, frozen, or chilled beef, veal, mutton, lamb, or uncooked pork, except small parcels of meat which have been prepackaged in sealed bags for the retail trade.

(h) Lockers, dining accommodation and washing facilities shall be in accordance with the provisions of the Shops and Offices Act and/or the Factories Act. Facilities for heating water shall be provided.

(i) A copy of this award shall be at all times affixed in some conspicuous place in the shop or factory and in such a position as to be easily accessible to the workers employed therein.

(j) Employers shall on written request, at intervals of not more often than three months, supply to the secretary of the union the names and addresses of all workers employed by them under this award.

Right of Entry

16. The union representative shall be allowed to visit the premises of any employer to deal with any matter arising out of this award, but not so as to interfere unreasonably with the employer's business.

Settlement of Disputes

17. Any dispute in connection with any matter not specifically provided for in this award shall be settled between the particular employer concerned and the president or secretary of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the Conciliation Commissioner for the district, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Commissioner may appeal to the Court upon giving written notice of such appeal to the other party within 14 days after such decision shall have been communicated to the party desiring to appeal.

Workers to be Members of Union

18. (a) Subject to the provisions of sections 174 (5) and 175 of the Industrial Conciliation and Arbitration Act 1954, it shall not be lawful for any employer bound by this award to employ or to continue to employ in any position or employment subject to this award any adult person who is not for the time being a member of an industrial union of workers bound by this award.

(b) For the purposes of subclause (a) of this clause a person of the age of 18 years or upwards, and every other person who for the time being is in receipt of not less than the minimum rate of wages prescribed by this award for workers of the age of 21 years and upwards, shall be deemed to be an adult.

(c) Every person who, being obliged to become a member of any union by the operation of the foregoing provisions, fails to become a member of that union when requested so to do by his employer or any officer or representative of the union, commits a breach of this award, and shall be liable accordingly.

(NOTE—Attention is drawn to section 174 (3) of the Industrial Conciliation and Arbitration Act 1954 which gives to workers the right to join the union.)

Under-rate Workers

19. (a) Any worker who considers himself incapable of earning the minimum wage fixed by this award may be paid such lower wage as may from time to time be fixed, on the application of the worker after due notice to the union, by the local Inspector of Awards or such other person as the Court may from time to time appoint for that purpose; and such inspector or other person in so fixing such wage shall have regard to the worker's capability, his past earnings, and such other circumstances as such inspector or other person shall think fit to consider after hearing such evidence and argument as the union and such worker shall offer.

(b) Such permit shall be for such period, not exceeding six months, as such inspector or other person shall determine, and after the expiration of such period shall continue in force until 14 days' notice shall have been given to such worker by the secretary of the union requiring him to have his wage again fixed in manner prescribed by this clause: Provided that in the case of any person whose wage is so fixed by reason of old age or permanent disability it may be fixed for such longer period as such inspector or other person shall think fit.

(c) Notwithstanding the foregoing, it shall be competent for a worker to agree in writing with the president or secretary of the union upon such wage without having the same so fixed.

(d) It shall be the duty of the union to give notice to the Inspector of Awards of every agreement made with a worker pursuant hereto.

(e) It shall be the duty of an employer, before employing a worker at such lower wage, to examine the permit or agreement by which such wage is fixed.

Application of Award

20. This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party hereto every industrial union, industrial association, or employer who, not being an original party hereto, is, when this award comes into force or at any time whilst this award is in force, connected with or engaged in the industry to which this award applies within that part of the industrial district to which this award relates.

Scope of Award

21. This award shall operate throughout that part of the Northern Industrial District lying within a radius of 21 miles from the chief post-office in the city of Auckland.

Term of Award

22. This award, in so far as the provisions relating to the rates of wages to be paid are concerned, shall be deemed to have come into force on the 26th day of March 1960, and so far as all other provisions of the award are concerned, it shall come into force on the day of the date hereof; and this award shall continue in force until the 14th day of December 1961.

In witness whereof the seal of the Court of Arbitration hath hereto been affixed, and the Judge of the Court hath hereunto set his hand, this 14th day of June 1960.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The matters referred to and settled by the Court related to overtime (clause 4), wages (clauses 5 (a) to (d), 6 (a) and (b), 7 (b)), incorporation, payment for Saturday work, annual holidays (clause 13 (a)), equipment (clause 14 (e) to (h)), general conditions (clause 15 (h)), claim relating to the maximum weight to be lifted or carried without assistance, and term of award, including the operative date of wage provisions.

A. TYNDALL, Judge.

AUCKLAND (21-MILE RADIUS) BUTCHERS—ENFORCEMENT

Inspector of Awards *v.* Newton Meat Co. Ltd.

In the Court of Arbitration of New Zealand, Northern Industrial District—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of the Auckland (21-mile radius) Butchers Award dated the 14th day of June 1960, and recorded in 60 Book of Awards 1172; and in the matter of an action between Richard John Lanigan of Auckland, Inspector of Awards, plaintiff, and The Newton Meat Co. Ltd., Karangahape Road, Auckland, defendant. Hearing: Auckland, 13 November 1962. Counsel: *C. P. Dolbel* for plaintiff, *M. Friedlander* for defendant.

JUDGMENT OF THE COURT DELIVERED BY ARCHER, J.

The plaintiff claims a penalty of £50 in accordance with the following claim:

The plaintiff claims to recover from the defendant the sum of fifty pounds (£50) as a penalty for a breach of the Auckland (21-mile radius) Butchers Award dated the 14th day of June 1960 and recorded in 60 Book of Awards 1172.

The following are particulars of the said breach:

That the defendant being an employer bound by the provisions of the said award did on the 2nd day of November 1961 employ Mary Brown, a female worker, in handling other than in the form of small goods, fresh beef, the said fresh beef not being a small parcel of meat prepackaged in a sealed bag for the retail trade, such handling of fresh beef being contrary to the provisions of clause 15 (g) of the said award.

Wherefore the plaintiff claims to recover from the defendant the sum of fifty pounds (£50) together with the costs of and incidental to this action or such other amount as the Court considers just.

The evidence of the plaintiff, which was not disputed, was that on the date stated in the claim he was served in the defendant's retail butcher's shop with a piece of fresh beef steak, not being pre-packaged in a sealed bag, by a female worker, one Mary Brown. The manager of the defendant company, Mr Briess, admitted that the company was bound by the award and had employed Mary Brown for a considerable time. He claimed that her principal duties were in premises behind the shop and that she worked in the shop only for limited periods on Thursdays and Fridays, and then principally as an interpreter to assist Maoris and Islanders with language difficulties.

It was claimed on behalf of the defendant that Mrs Brown had not been employed as a shop assistant, and had been paid more than the wage specified for female assistants in clause 5 (b) of the award. It was also contended that she was validly employed under clause 5 (b). Mr Briess claimed that he was unable to get a casual male assistant, and said he consulted the Labour Department and had written to the Minister of Labour concerning his difficulty.

The Court is of opinion that it is a breach of award to employ any female worker in doing in or about a butcher's shop any work of a kind prohibited by clause 15 (g) and that it was accordingly a breach of award for Mrs Brown to handle fresh beef in the course of serving the plaintiff as described in his evidence, and that whether or not she was employed as a butcher's assistant. We are of opinion, moreover, that this was not an isolated instance, and that it was known to Mr Briess that Mrs Brown did from time to time handle fresh meat in the course of serving customers in the shop. Any inconvenience which may be caused to a butcher by clause 15 (g) cannot be accepted as an excuse for failing to comply with the award.

We hold the offence to have been proved and impose a penalty of £15.

Dated the 21st day of November 1962.

[L.S.]

K. G. ARCHER, Judge.