

TARANAKI, WELLINGTON, MARLBOROUGH, NELSON, WESTLAND, CANTERBURY, AND SOUTHLAND PLACES OF AMUSEMENT (OTHER THAN THEATRES) AND SPORTS BODIES' EMPLOYEES—AWARD

[Filed in the Office of the Clerk of Awards, Christchurch]

In the Court of Arbitration of New Zealand, Taranaki, Wellington, Marlborough, Nelson, Westland, Canterbury, and Otago and Southland Industrial Districts—In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of an industrial dispute between the New Zealand (except Northern) Theatrical and Places of Amusement and Related Employees' Industrial Union of Workers (hereinafter called "the union") and the under-mentioned (hereinafter called "the employers"):

TARANAKI INDUSTRIAL DISTRICT

A.I. Billiard Saloon, Currie Street, New Plymouth, Mr D. King, Manager, or Mr Fitzgerald, Palmerston North.
 New Plymouth Brooklands Bowl, W. J. Connor, Town Clerk, City Council, New Plymouth.
 New Plymouth Midget Car Racing Club, R. Rutherford, Huatoki Road, New Plymouth.
 New Plymouth War Memorial Hall, W. J. Connor, Town Clerk, City Council, New Plymouth.
 North Taranaki Motor Cycle Club (Secretary, T. Nottingham), 14B Woodleigh Street, New Plymouth.
 Stratford War Memorial Hall, Mr. G. C. Grace, Town Clerk, Borough Council, Stratford.
 Taranaki Agricultural and Pastoral Society, New Plymouth, (Mr. W. P. Okey, Secretary).
 Taranaki Rugby Union, Mr. G. S. Bowen, 128 Devon Street East, (Secretary), New Plymouth.

WELLINGTON INDUSTRIAL DISTRICT

Glide Skating Rink, Kilbirnie, Wellington.
 Hawke's Bay Speedways Ltd., 407 Queen Street West, Hastings.
 Levin Motor Racing Club Inc., P.O. Box 57, Levin.
 N.Z. Amateur Athletic Association, Brandon Street, Wellington.
 N.Z. Attractions Ltd., Majestic Buildings, Willis Street, Wellington.
 N.Z. Boxing Association, 11 Johnston Street, Wellington.
 N.Z. Football Association, 4 Guthrie Avenue, Lower Hutt.
 Rollerdomes Ltd., Rollerdrome Skating Rink, Lower Hutt.
 St. George Billiard Room, Willis Street, Wellington.
 Wanganui Rugby Football Union, P.O. Box 276, Wanganui.
 Wanganui Tourist, Publicity and Development Carnival Committee, City Council Office, Wanganui.
 Wellington City Council, Town Hall, Wellington.
 Wellington Cricket Association, P.O. Box 578, Wellington.
 Wellington Football Association, P.O. Box 691, Wellington.
 Wellington Horticultural Society, Brandon House, Wellington.
 Wellington Rugby Football Union, 4 Willis Street, Wellington.
 Wellington Wrestling Association, Huddart Parker Building, Wellington.
 Wellington and Hutt Valley A. and P. Society (Secretary, K. E. Moody), Public Accountant, Bank of N.Z. Chambers, Upper Hutt.

MARLBOROUGH INDUSTRIAL DISTRICT

Blenheim Borough Council, Town Hall, Blenheim.
 Marlborough Boxing Association, Market Street, Blenheim.
 Marlborough Rugby Football Association, Market Street, Blenheim.

NELSON INDUSTRIAL DISTRICT

Nelson Rugby Union, Secretary, A. E. Gladstone, 54 Bronte Street, Nelson.
 Nelson Cricket Association, Secretary, J. L. Gregory, 254 Vanguard Street, Nelson.
 Oddfellows Hall, Secretary, R. Simpson, 99 Kawai Street, Nelson.

WESTLAND INDUSTRIAL DISTRICT

Greymouth Boxing Association, Secretary, Mr. N. Keily, 15 Brick Street, Greymouth.
 St. Johns Ambulance Association, Secretary, Mr S. J. Hayden, 25 Caldwell Street, Cobden, Greymouth.
 West Coast Rugby Union, Secretary, Mr O. Scott, 14 Milton Road, Greymouth.

CANTERBURY INDUSTRIAL DISTRICT

Caledonian Society, Caledonian Hall, Kilmore Street, Christchurch.
 Canterbury Agricultural and Pastoral Association, Worcester Street, Christchurch.
 Canterbury Lawn Tennis Association, 213 Manchester Street, Christchurch.
 De Luxe Skating Rink, 132 Kilmore Street, Christchurch.
 Timaru Agricultural Association, George Street, Timaru.
 Winter Garden Dance Hall, Armagh Street, Christchurch.

SOUTHLAND DISTRICT

Billiard Parlour, Mr J. Holloway, Don Street, Invercargill.
 Invercargill Licensing Trust, Invercargill.
 Invercargill Musical Inc., P.O. Box 323, Invercargill.
 North Invercargill Public Hall Inc., George Street, North Invercargill.
 St. Mary's Hall Committee, Eyr Street, Invercargill.
 Southland Agricultural and Pastoral Association, Invercargill.
 Southland Boxing Association, Invercargill.
 Southland Rugby Football Union, The Crescent, Invercargill.
 Southland Wrestling Association, Dee Street, Invercargill.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the terms of settlement arrived at in the above-mentioned dispute and forwarded directly to the Court pursuant to the provisions of section 130 of the Industrial Conciliation and Arbitration Act 1954, 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 29th day of December 1963 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 29th day of June 1962.

[L.S.]

A. TYNDALL, Judge.

SCHEDULE

PART I—INDOOR AMUSEMENTS

Definition

1. Indoor places of amusement shall include all cabarets, dance halls, skating-rinks, boxing and wrestling contests, billiard rooms, and all other indoor places of amusement where a charge is made for admission, or any other place where any mechanical device is in operation for the amusement of the public and for the use of which a charge is made.

Hours of Work

2. (a) Except as otherwise provided in this Part of this award, the ordinary hours of work for weekly workers shall be 40 per week, to be worked to suit the exigencies of the particular establishment and to be worked in five days, Monday to Saturday inclusive.

(b) The ordinary hours of work of permanent performance workers shall be worked on five days of the week, Monday to Saturday inclusive.

Wages

3. (a) Except as otherwise provided in this Part of the award, workers shall be paid not less than the following rates of wages:

	Per Week		
	£	s.	d.
Adult males	11	15	0
Youths and females	7	15	0

(b) Casuals may be employed at the following minimum rates:

	Per Hour	
	s.	d.
Adult males	6	4
Youths and females	4	10½

A casual worker is a worker who is employed for not more than three consecutive days.

Boxing and Wrestling Contests

4. (a) The minimum rate of wages for attendants at boxing and wrestling contests shall be £1 2s. 6d. per performance.

(b) The hours for all performance workers shall not exceed three and a half hours without payment of overtime.

Skating-rinks (Indoor and Outdoor)

5. (a) The weekly hours of workers at skating-rinks shall be worked in six days, Monday to Saturday inclusive, except in the case of ticket-sellers and door-keepers whose weekly hours of work shall be worked in five days, Monday to Saturday inclusive.

(b) The following shall be the minimum rates of wages for workers at skating-rinks:

Floor manager who is competent to maintain the floor surface and control the conduct of patrons: £12 5s. per week not exceeding 40 hours.

Adult male skate-room attendant who is competent and whose duty it is to adjust or repair skates: £11 15s. per week not exceeding 40 hours.

Door-keepers and general assistants: £1 2s. 6d. per performance, or £6 5s. per week not exceeding 20 hours, or £11 16s. 8d. per week not exceeding 40 hours.

Instructors: £1 2s. 6d. per performance.

Ticket-sellers: £1 2s. 6d. per performance, or £7 15s. per week not exceeding 40 hours.

Female cloak-room and stall attendants: £1 2s. 6d. per performance, or £7 15s. per week not exceeding 40 hours.

(c) Nothing in this award, other than clauses 11 and 13, shall apply to managers of skating-rinks in receipt of not less than £795 per annum, exclusive of overtime.

(d) Nothing in this award shall apply to skate-boys under the age of 18 years.

(e) For the purpose of this clause a performance shall not exceed three and a half hours.

(f) All workers employed under this clause shall be members of the New Zealand (except Northern) Theatrical and Places of Amusement and Related Employees Industrial Union of Workers.

Billiard Rooms

6. (a) The ordinary hours of work shall be worked on not more than five days per week as follows:

- (i) *Full-time Workers*—Not more than 40 hours per week, nor more than eight hours per day. The daily hours shall be worked with not more than one break in a span of 12 hours, unless otherwise agreed between the union and the employer concerned.
- (ii) *Night Workers*—Not more than 30 hours per week, nor more than five hours per day, except on Saturdays when seven hours 30 minutes may be worked between 1 p.m. and 11 p.m., with not more than one break.
- (b) The following shall be the minimum rates of wages:

	Per Week
	£ s. d.
Full-time workers	11 15 0
Night workers	9 0 0

The rate of pay for casuals shall be not less than 15 per cent in addition to the computed hourly wage. Any worker who is employed for less than one week shall be deemed to be a casual worker.

(c) Nothing in this award, other than clauses 2, 11, and 13, shall apply to managers in receipt of not less than £795 per annum, exclusive of overtime.

Dancing Halls and Cabarets

7. (a) The minimum rates of wages for attendants at dance halls and cabarets shall be:

	Per Performance
	£ s. d.
Master of ceremonies	2 8 6
Other attendants	1 15 0

(b) The ordinary hours for all performance workers shall not exceed five hours, to be worked continuously and to finish not later than midnight.

(c) For all work done between the hours of 12 midnight and 2 a.m., 6s. 4d. per hour or part thereof shall be paid in addition to the above rates; thereafter, 12s. 8d. per hour. This subclause shall not apply to performances commencing between the hours of 12 midnight and 6 a.m.

PART II—OUTDOOR AMUSEMENTS

Definition

8. Subject to the provisions of clause 26 hereof, this Part of the award shall apply to agricultural and pastoral associations, to outdoor skating-rinks, speedways, shows, and/or exhibitions; and to workers other than score-board attendants and ball-boys employed at grounds where cricket or rugby, association or league football is played; athletic and sports' meetings; but shall not apply to any other outdoor amusements until specifically brought within the scope of this award.

Hours of Work

9. The ordinary hours of work for weekly workers shall be 40 per week, to be worked to suit the exigencies of the particular establishment and to be worked in five days, Monday to Saturday inclusive.

Wages

10. Workers covered by this Part of this award shall be paid not less than the following rates of wages:

	Per Week		
	£	s.	d.
(a) Adult males	11	15	0
Youths and females	7	15	0

Casuals may be employed at the following minimum rates:

	Per Hour		
	s.	d.	
Adult males	6	4	
Youths and females	4	10½	

A casual worker is a worker who is employed for not more than three consecutive days.

(b) The minimum rates of wages for workers employed at agricultural and pastoral society shows shall be:

(i) Where a worker is employed for four hours and not more than eight hours in any one day:

	Per Day		
	£	s.	d.
Ticket-sellers	2	16	2
All other male workers	2	11	10
Female workers	2	8	8

(ii) Where a worker is employed for less than four hours, 6s. 4d. per hour with a minimum of two and a half hours.

(c) The minimum rate for workers employed at outdoor skating-rinks and performing work covered by this award shall be 6s. 4d. per hour with a minimum of two hours.

PART III—GENERAL CONDITIONS APPLICABLE TO ALL WORKERS
COVERED BY THIS AWARD

Annual Holiday

11. Annual leave shall be granted to all workers in accordance with the provisions of the Annual Holidays Act 1944, and its amendments.

Holidays

12. (a) The following holidays shall be observed and paid for: New Year's Day and the day following, Anniversary Day or a day in lieu thereof, Good Friday, Easter Monday, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day.

(b) For time worked on any of the above days or on Sunday, double ordinary time rate shall be paid in addition to the ordinary wage payable under subclause (a) of this clause.

(c) Should any of the aforementioned holidays fall on a Sunday, the following Monday shall be observed as an award holiday.

(d) This clause shall not apply to workers employed by agricultural and pastoral societies, but shall not exempt workers employed on side-shows and exhibitions.

Overtime

13. Except as otherwise provided, all time worked outside or in excess of the ordinary hours of work on any day shall be paid for at the rate of time and a half for the first three hours and double time thereafter. Save as otherwise provided, all time worked between midnight and 7 a.m. shall be paid for at double ordinary rates.

Saturday Work

14. Full-time weekly workers shall, when required to perform work on any Saturday as part of their normal working week, be paid in addition to their ordinary rate of pay an amount equal to 25 per cent of their ordinary rate in respect of the time worked on such Saturday.

Termination of Employment

15. (a) Weekly wage workers and performance workers employed on five days of the week shall be engaged by the week, unless longer periods are agreed upon. One week's notice of termination of engagement shall be given by either side. Where the employment is terminated without the requisite notice and without good cause one week's earnings at ordinary rate shall be paid or forfeited as the case may require.

(b) Twenty-four hours' notice shall be given by either party in the case of other performance workers. Where the employment is terminated without the requisite notice and without good cause one day's earnings at ordinary rate shall be paid for or forfeited as the case may require.

(c) Notwithstanding the foregoing, an employer shall be entitled for good cause summarily to dismiss a worker without notice.

Uniforms

16. When an employer requires a worker to wear a uniform, such shall be supplied by the employer, who shall also arrange for its washing, laundering, and repairing. A uniform is a special dress other than a worker's ordinary clothing and the colour and/or style of which is dictated by the employer.

Where an employer requires an attendant to wear dress shirts, they shall be deemed to be part of a uniform.

Meal Intervals

17. No worker shall be called upon to work for a longer period than four hours without an interval for a meal, or an opportunity for a meal, except in billiard rooms, where five hours may be worked. Where it is found impossible to give a worker time off for a meal, a meal shall be supplied by the employer, or the worker shall be paid 5s. meal money. On Saturdays, Sundays, or holidays, when meal money is payable, the employer shall pay to the worker a special surcharge of 6d. additional where such is incurred.

No Reduction in Wages

18. Nothing in this award shall operate to reduce the wages paid for any job at the time of the making of this award.

Commencement of Engagement

19. Any worker directed by the employer to report for work shall be paid from the time he or she was directed to attend and did attend (whether work is ready to be commenced or not), with a minimum of two and a half hours.

Payment of Wages

20. Unless otherwise agreed, wages shall be paid during working hours and, in the case of weekly workers, not later than Thursday.

Should any worker be discharged or compelled to leave before the end of the week he shall, unless otherwise agreed, be paid all moneys due to him up to the time of his leaving the employment prior to leaving the job.

Transport

21. (a) Where a worker is required by the employer to travel more than five miles to the place of employment, the employer shall provide transport.

(b) Any worker required to commence work before the commencement of the ordinary means of transport, or who is required to work after the ordinary means of transport has ceased, shall be provided with transport from and to his or her home, as the case may be.

Matters Not Provided For

22. The essence of this award being that on no account whatsoever shall the work be impeded, any dispute in connection with any matter not provided for in this award shall be settled between the particular employer concerned and the secretary or president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the Conciliation Commissioner or other person mutually agreed upon, who may either decide the same or refer the matter to the Court. Either party if dissatisfied with the decision of the Commissioner or such other person, may appeal to the Court upon giving written notice of such appeal to the other party within fourteen days after such decision shall have been communicated to the party desiring to appeal.

Interviewing Workers

23. The secretary or other representative of the union shall be permitted from time to time to interview workers at a suitable time to be arranged between the employer and the secretary or the aforesaid representative of the union.

Unqualified Preference

24. (a) Any adult person engaged or employed in any position or employment subject to this award by any employer bound by this award shall, if he is not already a member of a union of workers bound by this award, become a member of such union within fourteen days after his engagement, or after this clause comes into force, as the case may require.

(b) Subject to subclause (a) hereof, every adult person so engaged or employed shall remain a member of a union of workers bound by this award so long as he continues in any position or employment subject to this award.

(c) Every worker obliged under subclause (a) hereof to become a member of a union who fails to become a member, as required by that subclause, after being requested to do so by an officer or authorised representative of the union, and every worker who fails to remain a member of a union in accordance with subclause (b) hereof commits a breach of this award.

(d) Every employer bound by this award commits a breach of this award if he continues to employ any worker to whom subclauses (a) and (b) apply, after having been notified by any officer or authorised representative of the union that the worker has been requested to become a member of the union and has failed to do so, or that the worker having become a member of the union has failed to remain a member.

(e) For the purpose of this clause "adult person" means a person of the age of 18 years or upwards, or a person who for the time being is in receipt of not less than the minimum rate of wages prescribed for adult workers by this award.

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

Under-rate Workers

25. (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.

Exemptions

26. (a) Nothing in this award shall apply to the Wellington City Council in respect of workers employed at the Town Hall or at the Council's reserves who are employed under the Local Body Officers' award and/or the Wellington City Council Labourers' award.

(b) The provisions of clause 12 of this award shall not apply to agricultural and pastoral societies and associations; but this provision shall not be deemed to exempt sideshows and similar places of amusement operating on showgrounds.

Application of Award

27. 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 the industrial districts to which this award relates.

Scope of Award

28. This award shall operate throughout the Taranaki, Wellington, Marlborough, Nelson, Westland, and Canterbury Industrial Districts, and that portion of the Otago and Southland Industrial Districts comprised in the former Province of Southland.

Term of Award

29. This award, shall come into force on the day of the date hereof and shall continue in force until the 29th day of December 1963.

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 29th day of June 1962.

[L.S.]

A. TYNDALL, Judge.

MEMORANDUM

The award, which incorporates the terms of settlement arrived at by the parties, includes a clause designed to operate as an unqualified preference provision within the meaning of section 174 of the Industrial Conciliation and Arbitration Act 1954 (as amended by the Industrial Conciliation and Arbitration Amendment Act 1961). Section 174B directs that the Court in making any award shall insert therein an unqualified preference provision only if it is satisfied under the first alternative that such a provision has been agreed upon by all the assessors in the course of an inquiry into an industrial dispute by a Council of Conciliation. For the purposes of section 174B the Court is satisfied to accept the complete settlement arrived at by the parties and executed by or on behalf of all the assessors as proof that the unqualified preference provision has been agreed to by all the assessors, and clause 24 has therefore been incorporated in the award in the form in which it was agreed upon in the Council of Conciliation.

A. TYNDALL, Judge.
