

11. I understand you to say that, provided the staff is not worked more than fifty-two hours in the week, the hours per day should be left to the arrangement of the parties?—Yes. The Shops and Offices Act, as framed, incorporates restaurants. I am not speaking about those. That is a side issue with us.

12. *Mr. Fraser.*] Have you ever published that resolution—the third part of it?—I do not think so.

13. Has it been communicated to the Shopkeepers' Association?—I do not think we recognise that association. I think the Employers' Federation regards itself as the governing body. I am interested in no other association.

14. Can you give us roughly an idea of how many shopkeepers want that time made later?—I could not.

15. Would you say it was a small number?—I should say a large number; generally speaking, the employers are like the employees, they prefer to get the work done at 6 o'clock.

16. You think that a large number of those keeping open after 6 o'clock would be glad to close if the 6-o'clock hour was made general?—Yes. The present position is a snowball movement really.

17. *Mr. Hardy.*] Would you repeal those words "for more than nine hours, excluding the hours for meal-times," in the Shops and Offices Act?—If Parliament adopted the fifty-two hours, the only restriction would be the restriction for meals.

18. Would you desire to work your employees longer than nine hours in one day excepting on the one day?—We should not.

19. Therefore, as far as you are concerned, you would not desire to have this repealed?—No.

20. Then why do you want that fifty-two-hours arrangement if this were not repealed?—If you allow the fifty-two hours, a man may start at 10 o'clock and finish at 8 o'clock at night.

21. Would that not encourage those men who desire to do away with extra men in order to keep open longer at night?—Yes, it would.

22. Then you want us to do a wrong in order to bring about a right?—Yes.

WILLIAM PRYOR re-examined. (No. 23.)

1. *The Chairman.*] You desire to make a further statement?—Yes. I should like to say, in connection with a remark made by the Hon. the Minister of Labour the last time we met here, to the effect that we must either accept this Bill or come under the fifty-two-hours provision of the Shops and Offices Act by reason of the operation of section 74 of the Industrial Conciliation and Arbitration Act, that we have further considered that matter. I intimated at the time that I could not agree with Mr. Millar's interpretation, and since then the employers have met and gone into that phase of the question; and I may say right here and now that we are prepared to take all the responsibility relating to what section 74 may do to us without the Bill being made law as proposed at the present time. We found on going into the matter first that hotels were not affected by the present Shops and Offices Act except in so far as the half-holiday to the assistants was concerned; but if this Bill were to become law, then it means that hotel-assistants become shop-assistants within the meaning of the Act. Section 23 is the clause in the Shops and Offices Act affecting hotel-assistants. Then, further, we find that subsection (4) of section 6 of the Shops and Offices Act, which reads as follows: "This section shall operate subject to the provisions of this Act and to any award of the Court of Arbitration"—we find that that section specifically gives the Arbitration Court power to make different hours from those provided by the Act. While feeling certain of that in our own mind we took the opportunity of consulting Mr. Skerrett with regard to the whole position, and Mr. Skerrett advises us as follows. He says, "It is clear under 'The Shops and Offices Act, 1908,' that it is competent for the Arbitration Court to fix in an award different hours of employment to the hours of employment defined by section 6 and the previous award, by virtue of subsection (4) overriding the provisions of the Act." "With regard to section 74 of the Amended Arbitration Act, I think it is clear that it is a general Act dealing with all awards which may be made under the provisions of 'The Industrial Conciliation and Arbitration Act, 1908,' and, further, that there is no express repeal of the provisions of the Shops and Offices Act and of the Factories Act"—there is a similar provision in the Factories Act—"which make the provisions of the Act as to hours of employment subject to awards: the repeal could only be an implied repeal. But the rule is that a general statute affecting general matters should not be construed as a repeal of special enactments. Moreover, it will be seen that subsection (2) of section 74, if it applies, only says that the award is to be deemed modified in accordance with the law then in force. Now, the law then in force—that is, at the expiry of the term for which the award was made—is subject to the award, and there is therefore, clearly enough, no consistency between an award modifying an award under the Shops and Offices Act and the provisions of the Shops and Offices Act. I am clearly of opinion, therefore, that from the date of the expiry of the period fixed by the existing awards and until the newer award or industrial agreement is made, the award will continue in force as to hours of employment. I am further of opinion that, in any future awards made by the Arbitration Court under the law as it at present stands, the provision of the award as to hours of employment will override the hours of employment fixed by the provisions of 'The Shops and Offices Act, 1908.' It is to be observed that hotels are recognised as being only within the provisions of the Shops and Offices Act for the purpose of assuring the assistants the half-holiday, and for no other purpose. I have assumed that restaurant-keepers are now within the provisions of the Shops and Offices Act."

2. *Hon. Mr. Millar.*] That is Mr. Skerrett's opinion?—Yes. You will see from it that he is clearly of opinion that the view you expressed is not correct; and if we were to submit to come