

under the provisions and the conditions proposed in the Bill, we should be submitting to hotel-assistants being dragged in as shop-assistants, and to the restricting conditions for every restaurant-assistant. We do not feel disposed to do either one or the other. We are quite prepared to accept the Minister's challenge if we are challenged—I am not using the expression in an offensive way—and take all the risks under the law as it at present stands.

3. I am quite prepared to give you the challenge?—That is, to take out the reference to hotels and restaurants?

4. I am prepared to knock out the provisions which the Crown Law Officers say will bring in the fifty-two hours—which they say limits the powers of the Arbitration Court to the statute law. I want it decided, because, if that clause of the Act does not do it, then it must be made to do it. The Arbitration Court is never going to be granted power to override what the higher Court of Parliament has done. Parliament fixes the laws, and no Court can override statute law. So far as this Committee is concerned, I do not want to be blamed hereafter. I am quite prepared to say, "Let the matter be decided." But if you do get the fifty-two hours you have to get it in the terms of the award. I am advised to this effect. I could quite see how impossible it is to ask the hotels to work only fifty-two hours, and therefore I was prepared to split the difference from sixty-five?—It seems a fair thing to all parties concerned that your offer should be accepted.

5. It is not only this case that is affected, it is all other cases. When the Court refused to give an award in accordance with the bank-to-bank clause in the case of the miners, the question was put to the Crown Law Officers, and they drafted a law which provided that the Arbitration Court could not override statute law. If the Committee, without arguing the matter any further, is agreeable, I am quite prepared to strike out every clause of the Bill up to "Miscellaneous"?—We are prepared to take it at that.

6. Neither the Arbitration Court nor any other Court shall get power to override statute law?—The employers generally say that Parliament has advisedly relegated certain powers to the Arbitration Court, and we say we must know where we are—we must have either the Arbitration Court or Parliament to settle the matter. I submit it to you as a fair proposition that it is absolutely unfair that any party should have the right to take advantage of the machinery of the Arbitration Court, to have their case discussed by a tribunal set up under that Act, and then, because one side is dissatisfied with the decision arrived at, it should have power to come along and have the matter dealt with by Parliament.

7. *Mr. Hardy.*] You do not approve of it?—We are absolutely opposed to it in any shape or form, and, if the clause Mr. Millar refers to does what he says it does, then on behalf of the employers I enter my strenuous opposition. There is more real resentment being felt by the employers of the Dominion over provisions of this kind than is perhaps believed. The bank-to-bank clause was mentioned, and the construction that was proposed to be put on section 74 of the Industrial Conciliation and Arbitration Act. There is a stronger feeling shown in connection with that than on anything else that has come before us since I have been an executive officer of the Federation. But we are prepared to accept the position as stated, and if that is agreed upon there is no need to go further.

8. *Hon. Mr. Millar.*] It is a matter for the Committee to decide, but, as the Minister in charge of the Bill, I am perfectly prepared to strike out all the clauses referred to. I shall be guided by the Crown Law Officers, and I repeat that, as far as I am concerned, I will never give the Arbitration Court power to alter a Factory Act or anything else. It is too late to come at this time and day and say the Court has power to alter the law.

9. *Mr. McLaren.*] You have given us portions of Mr. Skerrett's opinion. I noted that one portion you read out was somewhat to this effect: that the Court may provide different hours from those in the Act. Now, I want to get the questions you put to Mr. Skerrett, because an opinion very often depends upon the form in which the question is put?—We brought to Mr. Skerrett's attention the Shops and Offices Act, section 6, subsection (4); and section 74 of the Industrial Conciliation and Arbitration Act; also section 23 of the Shops and Offices Act. We asked him first whether hotel-assistants came within the Shops and Offices Act; and, secondly, did section 74 repeal the power given to the Court by section 6, subsection (4).

10. What was in your mind, that the Court might provide for different hours and then be subject to the limits provided by the Act?—This cuts both ways. Take the Factories Act. We have an Arbitration Court award giving forty-two, forty-three, forty-four, or forty-five hours. If your construction is correct, then the factory hands could be compelled to work forty-eight hours.

11. *Hon. Mr. Millar.*] The Court, when hearing fresh demands, cannot in any award exceed the hours laid down in the Shops and Offices Act. You have an award now. That award must hold good until such time as a new award is made?—That is not what you put before us. You directed our attention to what section 74 did at the expiration of the period for which the award was made.

*Hon. Mr. Millar:* I referred to the currency of the award. An award takes its course until a new award takes its place. When an application is made for a new award, then the Court cannot exceed fifty-two hours a week.

JOHN BARR, M.L.C., examined. (No. 24.)

1. *The Chairman.*] You are a member of the Legislative Council?—I appear as secretary of the Canterbury Hotel and Restaurant Employees' Union.

2. Has your union considered this Bill?—Our union considered this Bill at a special meeting called for the purpose, but prior to the meeting members of the union received copies of the Bill, so that they would have an opportunity not only of considering it at the meeting, but of considering it in the various establishments in which they were employed.