

working manager." The definition of "occupier" is a very wide one. I propose to refer to that further when I get to clause 3. The one is connected with the other. In the definition on page 3, line 5, "working-day" means any day of the week except Sunday, and my union thinks there should be some provision in this Act whereby it would govern Sunday, because I would point out that Sunday trading at present the Department has no jurisdiction for. Offenders are prosecuted under the Police Offences Act, and there is a good deal of it going on. The union thinks there should be a clause prohibiting Sunday trading. Since Mr. Kettle's decision in a police prosecution, that so long as the articles bought are consumed on the premises no offence is disclosed, the police do not care to take action, so a clause should be put in this Act giving the Department power to prosecute. In clause 3, page 3, it is provided, "Every shop shall be registered with an Inspector by the occupier or occupiers thereof in the name of the occupier or one of the occupiers, and such registration shall not be altered except for some sufficient reason to the satisfaction of the Inspector." This is a new clause different to that of 1908, and it opens the door for too many exemptions. For instance, it is to be "registered by the occupier or occupiers thereof," and the definition of "occupier" includes "any person," and "any agent, foreman, manager, or other person acting or apparently acting in the general management," and also includes "the working manager." This would provide, for instance, in Auckland, for a case in which one firm has four shops, and the shops would be registered not in the owner's name but in the name of one of his employees in the position of foreman; and the definition also covers the fact that it is proposed to exempt the occupier's wife and the members of his family. That would be a large exemption for a firm having several shops. Under the old Act the wife was exempt, but not the family. I would like to point out clause 4, section 2, line 25. It is the latter part of this clause we are objecting to: "The entry of the particulars hereinbefore referred to shall be signed by the assistant at the time of the payment of his wages, and such signature shall operate not only as a receipt for such payments, but also as a certificate of correctness, and the particulars entered with respect to that assistant." That qualifies subsection (1) of clause 4. On page 21, section 42, subclause (d): "Every person is liable to a fine who wilfully makes any false entry in any register, record, notice, or book required or authorized under this Act." Now, under that Act people are prosecuted, for instance, if they get less than the minimum wage and sign for the full amount, because the Inspector has the power to turn up the book, and if the evidence is forthcoming that circumstances compelled him to do it to retain his job a prosecution ensues. But this clause qualifies it, and no action of an Inspector would lie if he has signed it, because of subclause (2) of clause 4—"The Inspector may at any time require the occupier to verify the entries in the wages and time book in such form as may be prescribed by the regulations." This also is involved in subsection (2). In reference to hours of employment, in clause 5, subsection (1): "Subject to the provisions of this Act and to any award of the Arbitration Court, a shop-assistant shall not be employed in or about any shop in which any one or more of the trade or businesses mentioned in the First Schedule hereto are exclusively carried on after the hour set opposite to the reference to such trade or business on the said schedule: Provided that, except on Christmas Eve or New Year's Eve, no female assistant shall be employed in or about any shop in which is exclusively carried on the business of a confectioner or fruiterer after half past nine o'clock in the evening, or any other shop to which this paragraph relates after nine o'clock in the evening." This is a revival of the provision that obtained in the 1908 Act and was abolished in 1910, and we object to that. Under the old Act the grocers' award said that this shall be subject to the Shops and Offices Act. We turn to the Shops and Offices Act and we find the words "and to any award of the Arbitration Court," and when one is in conflict with the other it is hard to say which is paramount. We say the Act should be paramount.

*Mr. Rowley* pointed out that the hours were explicitly dealt with in section 6 of subsection (8): "Provided that any award shall not permit a shop-assistant to be employed in any one week or in any one day a greater number of hours than is prescribed by subsections one and two thereof."

*Witness:* The new words should be taken out altogether. Section 5, page 3, line 43: "Provided that, except on Christmas Eve and New Year's Eve, no female assistant shall be employed in or about any shop in which is exclusively carried on the business of a confectioner after half past nine o'clock in the evening, or in or about any other shop to which this paragraph relates after nine o'clock in the evening." I am speaking now as to my own personal objection to that, being brought into contact with so much of that class of labour. At present it is fixed at 9 o'clock. The proposed extension has never been asked for by the workers. I would like to point out that fifteen minutes has been added to the time of the workers by clause 43: "If any shop-assistant is employed at any work in any shop later than fifteen minutes after the prescribed time the employer commits an offence in respect of each shop-assistant so employed." I consider that is too much extension of the time. Subclause (2) of that section we agree with.

1. *Mr. Davey.* Do you agree with subsection (3), clause 5—"Every person engaged in or about the business of a shop other than the person in whose name the shop is registered pursuant to section three hereof, the wife or husband of that person, and the members of his or her family, as the case may be, shall, while the shop is open for business, be deemed to be a shop-assistant"?—No, we object to the family coming in as exempts. We would not separate the wife and husband under any circumstances, but we object to the children coming in. Subsection (5) of clause 5 I have nothing to say about. These definitions are all right. Clause 7: "Nothing in this Act shall render it unlawful for the occupier of any shop to keep his shop open or to employ his assistants till eleven o'clock at night on Christmas Eve and New Year's Eve, or, when Christmas Day and New Year's Day fall on a Monday, then till eleven o'clock at night on the Saturday