

of our officers have ever been associated in any way in any attack on the Court, or in any movement to wreck the system. We have always dissociated ourselves from the personal attacks made on the President of the Court. Yet merely because Parliament reduced our hours from sixty-five to sixty-two the Court itself, the centre-piece of the arbitration system, purposely puts in its awards a clause to defeat the very Arbitration Act itself. It has gone further: since the 1910 Shops and Offices Act it has refused to award hours and holidays to our trade. But in these latest awards it says that if Parliament makes any alteration of any statute covering our workers then our awards shall cease, and there shall be freedom of contract, and no award regulation of any matters during the term of the award. I submit to this Committee that it is not a case of Parliament interfering with the Court, but of the Court interfering with and setting aside the decisions of Parliament. So that the practice shall not be continued we ask for the deletion of the clause, or, better still, for Parliament to assert itself and do the same as it did over the "bank to bank" clause, by altering the section to insist on the operation of the statutes against the counter-clauses in the Court's awards. We suggest that, if not deleted, the section be made to read, "Notwithstanding anything to the contrary in any other Act or in any award of the Court of Arbitration, the provisions of this Act shall operate from the date of its commencement, and all awards shall be deemed to be modified accordingly." There is this point I wish to inform the Committee of. Many other shop trades governed by this Bill and the existing Act are organized in unions and are working under awards of the Court, but the remarkable thing is that it is only in hotel and restaurant awards that the Court has inserted its clause circumventing the operation of the statutes. The other unions with awards and the Act governing them have not been so penalized. I just wish to point out that by reason of section 74 of the Arbitration Act an award of the Court made before the date of the operation of this Act could deny us all the provisions of this Act for a further three years. I am bound to say, however, that in view of the Court's recent intimation I do not think it would make such an award. There is this other fact I wish to put in evidence: in nearly every State of Australia legislation has been passed covering shops and offices, including hotels and restaurants; in every State also there are awards governing shop workers, including hotel and restaurant workers; yet there has never been any conflict between those awards and the Legislatures. This for the simple reason that the Australian Parliaments have never made the initial mistake of making their Shops Act subject to the awards of the Court or Wages Boards. The big general principles have been laid down in the several Acts, and the Court has always had to conform to them. We ask for the same procedure in the framing of this Bill. Five times has Parliament now specifically legislated to make our Court conform to the general principles of the statutes. If this Bill leaves any opening the chances are that the conflict between the Court and the Legislature will commence all over again. We suggest the deletion of the section.

That finishes my evidence in the hotel and restaurant sections. Summarized, I have particularly proved—(a) That the principle of one day's rest in seven, especially for hotel and restaurant workers, has been legislated for in several countries; (b) that it is practicable and workable, as shown by its actual operation in Perth and Sydney, and at the People's Palace Hotel here; (c) that the hours proposed are longer than fixed by any Australian Act, and longer than fixed by any Australian awards with one single exception, now being removed; (d) that to permit of the Arbitration Court exceeding the hours provisions or any other conditions of a statute makes for endless conflict between the Court and the Legislature.

I thank the Committee for hearing me, and trust that my evidence will influence it in recommending amendments to the Bill in the direction we desire. I submit a list of those suggested amendments.

*Amendments to the Shops and Offices Bill suggested by the Hotel Workers' Unions' Representatives before the Committee.*

Section 1: By substituting "January" for "April."

Section 2: By altering the definition of "hotel" to read as follows: "'Hotel' means any premises in respect of which a publican's license is granted under the Licensing Act, 1908, and means and includes a private hotel, club, or boardinghouse in which three or more persons (other than the occupier and the members of his family) are ordinarily employed. A 'private hotel,' 'club,' or 'boardinghouse' means any premises in which meals, or lodging, or accommodation, or liquor is provided or sold to guests, customers, or members." (NOTE.—"Restaurant" definition to stand.) Further, by altering "shop-assistant" definition by adding the words "and includes all workers in hotels and restaurants."

Section 4: By adding the word "daily" before the word "hours" in subclause (c); by deleting all the words after "wages" in subsection (2); by adding the following new subsection: "(5.) In every hotel and restaurant the occupier shall cause to be posted up in a conspicuous place, accessible to the workers employed, a time-sheet showing in the case of each assistant employed the ordinary daily hours of commencing and finishing work for each said assistant."

Section 26: By deleting subsection (2).

Section 27: By altering subclauses (a) and (b) to read as follows: "(a.) For more than fifty-six hours (excluding meal-times) in any one week in the case of a male whose age exceeds sixteen years." "(b.) For more than fifty hours (excluding meal-times) in any one week in any other case." By altering subclause (c) by substituting "ten" for "eleven." Subsection (2): By adding the words "nor on any holiday" after the word "year" in the third line. Subsection 4: By altering this subsection to read, "(4.) Every assistant who is substantially employed in or about a bar or private bar of a hotel, or who is employed in a restaurant which does not carry on business on a Sunday, shall be entitled to a whole day's holiday on Sunday in each week, and to a half-holiday from one o'clock in the afternoon in the case of assistants in hotel-bars, and from two o'clock in the afternoon in any other case, of such working-day in each week as the occupier in the case of each such assistant thinks fit." (NOTE.—We suggest the above subsection as a complete substitution for subsection (4) of the Bill.) Subsection (6): By altering this subsection to read, "The wife or husband of the occupier shall not be deemed to be an assistant within the meaning of this section."