

establishment does not come within the provisions of section 5 of the Shops and Offices Act, 1910, unless meals are provided and sold to the general public for consumption on the premises. This is indeed quite clear, as the definition of "restaurant" only includes private hotels and boardinghouses where meals are so provided and sold. It must be part of the business of the establishment to provide and sell meals to the public on the premises before the Act applies. In the present case the Magistrate has found that the respondent does not as part of his ordinary business supply meals to the public, nor hold himself out as an eating-house keeper where single meals can be got as of course. The fact that on one or two occasions he has supplied meals to strangers for payment does not constitute him a restaurant-keeper within the meaning of the statute, in the face of the finding of the Magistrate that it was proved at the hearing of the information that the supply of such meals was not a part of the respondent's business. A private boardinghouse does not come within the statute unless meals are provided and sold to the "general public" for consumption on the premises. The facts found by the Magistrate do not support a conclusion that the respondent provides and sells meals upon his premises to the "general public" for consumption there, and the appeal must be dismissed, with £5 5s. costs.

His Honour held that because a major portion of the business was not a restaurant business, that was sufficient ground for dismissing the appeal. It was admitted in the "Glenalvon" case that it was purely a large private residential hotel. It will be seen by the foregoing judgment that the application of the Shops and Offices Amendment Act, 1910, in so far as relates to private hotels, was of no use to us, as it required us to show that a private-hotel keeper was doing a substantial restaurant business in conjunction with his hotel business, and just as soon as ever this was the case they immediately came within the scope of the Act as it applies to restaurants, tea-rooms, and oyster-saloons, so that the beneficial effect of the Act was practically nil. We were somewhat dubious at the time about the definition of the word "private hotel" as contained in section 2 of the Amendment Act of 1910. We were then informed by the Hon. Mr. Millar that he was advised by the Law Draftsman that it meant everything that was intended of it, and that was to cover all the large private hotels. The upshot of the whole business is that sweating is still rampant in the private-hotel and boardinghouse keeping trade, redress has been denied us by the Arbitration Court—a tribunal which was set up to assist and protect the downtrodden workers in our Dominion—and this industry more than any other at present is perpetuating the sweating evil, a condition of affairs which should not for one moment longer be allowed to exist, and which the Arbitration Court was first established to stamp out. It, therefore, having failed, we have come with confidence to the Parliament of our country, the highest tribunal in the Dominion, to do away with this iniquitous state of affairs. With regard to the Arbitration Act, there is no federation of workers in New Zealand, and no unions affiliated to a federation, so consistently loyal to the principle of arbitration for the settlement of industrial disputes as the officers and the men and women of the rank and file of our federation, and almost every time we went for a boardinghouse or private hotel award we were met with a curt refusal by the President of the Court to make an award, the effect of which was a pretty severe tax on our loyalty to the principle of arbitration.

We are desirous that clubs should be included in section 2 under the definition of "hotel." The Arbitration Court has declined to include them in any award, and the reason given for the refusal is that clubs are not run for pecuniary gain (see section 71, Industrial Conciliation and Arbitration Act, 1908), and the only protection that the workers in clubs can expect to get at present is that of the benefits of such a Bill as the one now under consideration. Long hours are at present being worked in clubs in every part of the Dominion, and we ask for permission to put in two signed statements about the hours worked in two clubs in Wanganui.

We ask for a reduction in working-hours to fifty-six for males and fifty for females. It seems to us somewhat strange that the assistants employed in or about a hotel should be called to work longer hours than any other class of shop-assistant. Surely hotelkeepers can afford to give their employees reasonable hours equally as well as drapers, butchers, grocers, &c. As Mr. Carey has dealt at length with this matter I will pass on to the question of the daily limitation of working-hours as provided for in paragraph (c) of subsection (1) of section 27, which reads as follows: "Nor for more than eleven hours (including meal-times) in any one day." Now, it seems to my people somewhat inconsistent to find that a modern colonial Parliament should pass an Act to increase the daily hours of work of any class of workers, seeing that in all civilized countries the trend of legislation is in the direction of shortening the daily and weekly hours of labour. I might be permitted to remind the Committee that there is no limit in this Bill betwixt which this eleven hours daily should be worked, and therefore the worker is at the beck and call of the employer during the full twenty-four hours. Under the last award dealing with hotels in the City of Auckland provision is made for the limitation of time betwixt which the daily hours can be worked—as, for instance, subclause (c), clause 12, of the award, reported in Volume xi, page 518, which reads as follows: "Porters, whether day or night, eleven hours per day, and shall be worked between the hours of 6 a.m. and 10 p.m. The night-porters' hours to be worked between 9 p.m. and 9 a.m." There are similar clauses dealing with the limitation of the hours in the case of cooks, waiters, &c. It will therefore readily be seen how essential it is for your Committee to provide for the daily hours to be worked within reasonable limitations. The hotelkeepers agreed with me, when I put a case to them, to the effect that a man started work at 6 in the morning, knocked off at 12 noon, and came on again at 6 p.m. and worked till 12 midnight, so that he was working six-hour shifts. I brought it before the hotelkeepers at Auckland. They saw the justice, and agreed there should be a limitation of the hours of employment. After this Bill is passed it will not be competent for us to go into this matter, because if we did, after the statement made by His Honour the Judge, it would probably be cut out. I want the Committee to make provision that the daily hours of employment shall be within a reasonable limitation.

I shall pass on to subsection (4) of section 27, which reads as follows: "Every assistant who is employed exclusively 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, or in any hotel or restaurant in which