1913.

NEW ZEALAND.

LABOUR BILLS COMMITTEE:

SHOPS AND OFFICES BILL.

(MR. BRADNEY, CHAIRMAN.)

Report brought up on the 24th October, 1913, together with Minutes of Evidence, brought up on the 29th October, 1913, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

THURSDAY, THE 3RD DAY OF JULY, 1913.

Ordered, "That Standing Order No. 219 be suspended, and that a Committee be appointed, consisting of thirteen members, to whom shall be referred Bills more particularly referring to labour; three to be a quorum: the Committee to consist of Mr. Anderson, Mr. Atmore, Mr. J. Bollard, Mr. Bradney, Mr. Clark, Mr. Davey, Mr. Glover, Mr. Hindmarsh, Hon. Mr. Millar, Mr. Okey, Mr. Veitch, Mr. Wilkinson, and the mover."—(Hon. Mr. MASSEY.)

FRIDAY, THE 18TH DAY OF JULY, 1913.

Ordered, "That the Shops and Offices Bill be referred to the Labour Bills Committee."—(Hon. Mr. MASSEY.)

REPORT.

THE Labour Bills Committee, to whom was referred the Shops and Offices Bill, has the honour to report that it has carefully considered same, and recommends that it be allowed to proceed with amendments as shown on copy of Bill attached hereto.

24th October, 1913. J. H. BRADNEY, Chairman.

MINUTES OF EVIDENCE.

FRIDAY, 1ST AUGUST, 1913.

Mr. Pryor (Secretary, Employers' Federation): If you will permit me, Mr. Chairman, I should like to say that we have three witnesses this morning—Mrs. Black, of the Hotel Bristol, Wellington; Mrs. Davies, of the Hotel Federal, Christchurch; and Mr. Horsley, of the City Buffet, Christchurch. They are private-hotel keepers. Mrs. Davies and Mr. Horsley came up, I think, by arrangement with the Hon. Mr. Fisher, to give their evidence to-day, and Mrs. Black is with them. They are here to give evidence with regard to the Bill as it affects the private-hotel keepers and private-boardinghouse keepers.

Mrs. THOMAS BLACK, Proprietress Hotel Bristol, Wellington, examined. (No. 1.)

1. *The Chairman.*] We shall be glad to hear what you have to say?—I will give you an idea of how the Bill will affect me if it is passed. It will mean absolute ruination to me. It will cost me £283 a year more to run the hotel, and the hotel will not stand that. The expenditure I have to meet now is really as much as it can stand. The business will not warrant any increase in expenditure. The girls I have now—all the staff—are very well satisfied with the way in which they are treated. I will hand you this document to prove whether they are satisfied or not. I went to each one of the girls and explained to them. I said, "I do not want you to sign this unless you are absolutely satisfied with the way you are treated," and that document shows you what they did. Not one was forced to sign it. With the girls I have now I have one on every afternoon and one on every evening. I am not allowed to keep on any more, so the girls really have quite enough to do. As you know, the cost of living has gone up so enormously that one really could not do more than we are doing—it is utterly impossible for any private-hotel keeper. If the Bill becomes law it just means that we shall all go bankrupt. I have gone through my books and gone into the whole matter, and I find it just means ruination—absolute. There is no hope for it. I could not afford to employ another hand in the place, because the business will not warrant the expenditure. No matter which way we take it, I could not possibly do it. One of the members, I hear, said in the House that the hotelkeepers could put more water in their whisky. We private-hotel keepers have no whisky to water. We have got to make everything from the table, and we cannot make anything to warrant the increased expenditure. As I say, if this is carried it means absolute ruination to every private-hotel keeper and boardinghouse-keeper, no matter in how large or how small a way they may be. As to raising the tariff—well, we cannot get people to pay what we ask now. It would be no use raising the tariff on the boarders, because they will not pay what we ask. When they come in, if they are staying for a week they want a reduction, and if they are staying for a month they want a bigger reduction still. Again, with regard to putting it on to the public, why should the public suffer for a Bill like that? Why should we increase the cost of living, because the cost of living must go up if the Bill is carried? It is quite bad enough now. Within the last month or so every firm that I am dealing with has put up the price of everything. Even if this state of things continues as it is it means closing down. Each of my girls is off every afternoon, excepting one of them. They have from 2 o'clock till 6 every afternoon. My porter has from 2 o'clock till 5 off every afternoon, and one day a week from 2 o'clock, and he comes on the next morning. The same with the cooks. I should just like some of you Committeemen to come along to my hotel and find out for yourselves what they are really doing, the hours they are working, whether they are satisfied or not, and whether they work too hard or not. I assure you that every one in that hotel is perfectly satisfied as things are. The Bill would be of absolutely no use to them. If the Bill were going to be of any use to any of them I would quite agree with it, but I find it will not be of any use to one side or the other. I think that is all I really have to say. It really means closing down if it is carried.

2. *Mr. Okey.*] How many hands do you keep?—Fifteen.

3. How many extra hands do you anticipate you would require under the Bill?—Four more.

4. What is the nature of your trade—do families come and live at your place?—We have some married couples, but we have a number of young men and young women—permanent boarders. Then we cater for the travelling public. My tariff is 6s. a day. We do a very good business, they say; but it takes me all my time to make things run smoothly, because the cost of living has increased so enormously. Where I used to get 5 per cent. discount I now get 2½ per cent. right round. And the price of everything has increased—meat, milk, everything—so much so that if this Bill is carried it means absolute ruination. It would cost me £5 8s. a week more—£283 per annum more to run the business. I have four flats, and when it was one girl's day off I could not get the girl on the flat below to do the two flats. As it is it takes her up to 2 o'clock to do hers. I know that they would not do it to begin with, and I would not expect them. I am not a slave-driver, and I could not afford to employ any other person to do it; so I should have to do it myself. But as it is I have to work hard enough: I am going from half past 6 in the morning till 11 at night. It is an utter impossibility.

5. Do you find that you have many people come to you on Sunday, with the arrival of the boats?—A few; not so many on Sunday as through the week. We might have two or three occasionally on Sunday. We have about forty permanent boarders in the house.

6. You cannot suggest any system by which these girls could be given a day off each week?—No. I have looked round, but it would only mean that the girl would have to do the two flats, and she would work from 7 in the morning till 11 at night to get finished, because it would mean that two girls' work would have to be done by one. I know they could not do it. In the case of the kitchen I could not make any arrangement, unless I went into the kitchen myself. I should have to employ another hand. In fact, I would have, as I say, to employ four more hands to carry it through.

7. Would that be for their whole time?—Yes, because I could not get a person that would come in and cook to-day and do a housemaid's work to-morrow and a waitress's another day. No one would come.

8. You would have to board those extra hands?—Yes, or if I have not room I have to pay for them out.

9. Would that reduce the number of boarders you can take?—Yes.

10. Did you take that into consideration in making your estimate?—My estimate allowed for the boarding-out, because I could not put them up. I have allowed 5s. a week each all round for boarding-out. As it is I board thirteen in the house. They occupy six of the rooms as it is.

11. You say your hands are quite satisfied?—Yes, as that document that I produced will prove. I do my best for them and they do their best for me, and I never have any trouble. They all work amicably together.

12. They are not asking for this amendment?—No, they do not want it; in fact, one of them asked me, "If I sign twice will it be of any use?" That shows how much they are in favour of it. Not one of the hands is in favour of it, from the cook down to the porter.

13. *Mr. Veitch.*] You made the statement that this amendment would be of no use to the staff. Would you be good enough to explain how it is that it would not benefit the staff in any way? If it is going to cost you £283 a year, surely it must benefit somebody?—No, because they are off every afternoon and every Sunday afternoon excepting one, and every Sunday evening from 7 o'clock, and they could not get off like that if they had a whole day. They do not want it. They are quite satisfied to have the half-day as at present. One housemaid is on every afternoon and one every night. One girl said to me, "I have nowhere to go. If I had a day's holiday I would have to stay in my bedroom. I would much rather have my afternoons off as at present." Is it not better, too, for a girl to have so many half-days off than one day off a week? It is an absolutely ridiculous Bill. We try to keep as good a house as we possibly can by running it nicely, and we give the public the benefit of it by charging a small tariff; and this is what we are going to get. As I say, in the end the public will have to suffer; it will have to come back on to the public.

14. What rent do you pay?—Nearly £20 a week. My wages bill—I pay £1,170 a year in wages, and with the increase of £283 on to that you see where I would be.

15. *Mr. Anderson.*] Do your employees get a day off in the week or half a day?—As I explained to you, one of my maids—there are four of them and four waitresses—takes it to-day, and another one to-morrow, and another one the next day. They really only come on duty every fifth day; and one is on every Sunday, so that they only really come on once every four Sundays.

16. You reckon that it would take——?—Four more hands to run it, to work in the hours.

17. You would have to put up your tariff?—It would be impossible to get it, I think. As I say, we have quite enough trouble to get what we are asking now. There is scarcely a person comes but that, if he is going to stay any length of time, he asks, "How much do you charge if I stay a week?" and if it is a month, "How much reduction will you give if I stay a month?" The public will not pay it, and, as I say, why should the public be made to pay more?

18. How many hours a day do your girls work?—They work fifty-two hours one week and fifty another.

19. *Mr. Wilkinson.*] You pay £20 a week rent. How long is your lease for?—Six years.

20. If this Bill became operative and you had to pay the extra amount annually, you would be in no worse position than other people in the same line of business; they would have to pay in the same way?—They would all have to close, because they could not do it. One private-hotel keeper here whom I rang up said, "It means that I shall have to close my place down as a private hotel and run it as apartments, because I cannot make ends meet now, and I certainly could not then."

21. What is your ordinary tariff?—Six shillings a day for casuals. It ranges from 22s. 6d. up for permanents.

22. How many boarders have you generally, approximately?—We have about forty permanents.

23. And then the casuals?—They vary.

24. *Mr. Davey.*] I understood you to say that your girls work fifty-two hours one week and fifty the next?—That is so.

25. That is really considerably less than they would be asked to work under the clauses of the Bill?—That is what I say, it is not going to be of any advantage to them.

26. Then it cannot be a disadvantage to you, can it, under the circumstances?—It will.

27. The Bill provides that the hands can work so-many hours more than that per week?—You are going to allow fifty-two under the Bill.

28. Fifty-eight, is it not?—It is fifty-two, I think, in the Bill.

29. Are all your employees members of the union?—That I could not say. As long as they do their work I am quite satisfied, whether they belong to the union or not. I never trouble about that.

30. Are not the wages you pay award rates?—Yes, I pay union wages. But whether they are in the union or not I could not tell you.

31. Are your employees divided then—some members of the union and some not?—I really could not tell you.

32. Is it not possible that if this Bill became law every one would suffer alike?—Only the boardinghouse-keepers and private-hotel keepers would be the sufferers. They would all be sufferers, every one alike.

33. Would it not be possible that all of them would have to raise their tariff to meet the extra expense?—But would the public pay it?

34. Would they not have to?—Then they would give up travelling. If you only knew how we have to battle sometimes to get our money from the different people you would not suggest that. I tell you that we in private hotels could unfold some tales. With bad debts and one thing and another we could not do it.

35. Do you think it possible that a sympathetic landlord would reduce your rent?—I am certain he could not. I am at the lowest figure now.

36. I suppose landlords are not very sympathetic?—They are never sympathetic.

37. *Hon. Mr. Massey*] Where is your place of business?—At the corner of Cuba Street and Ghuznee Street.

38. What is the size of the house—how many rooms?—I think there are sixty-four bedrooms altogether.

39. You mentioned that the price of certain commodities had gone up within the last few weeks?—Yes.

40. Will you give the Committee some idea of the articles you refer to?—Meat has gone up in price, milk has gone up, and butter has gone up.

41. *Mr. Davey.*] Has bread gone up lately?—No, not just lately. There has been a big increase in meat. My butcher's bill now is enormous. And where I used to get 5 per cent. discount I only get 2½ per cent.

Mrs. Elizabeth Davies, Hotel Federal, Christchurch, examined. (No. 2.)

1. *The Chairman.*] We will now hear your objections to the Bill. What is it you want to speak on?—I want to speak on the clause providing for the whole day off. I think it is absolutely impossible to give it. We cannot do it. I think the increase in wages will cost me £250 a year more than I am paying now, and it takes me all my time to pay my wages bill now. In view of my tariff and the heavy rent I have to pay I absolutely cannot do what is asked. I have a staff of eighteen or nineteen, and they all get a very fair wage, and they are all quite satisfied. I treat them well, and they have stayed with me for years. Last year it cost me £400 more for the upkeep of my staff than it did the prevous year, on account of the increase in the cost of living and the increase in wages, and that is a very large sum for a private hotel.

2. *Hon. Mr. Massey.*] How many hands did you say you have?—From seventeen to twenty. The number varies. When we are busy I take on extra help. I cannot see how the six days a week is going to work. It will disorganize everything. They are thoroughly satisfied now. I think they get a very fair thing. They are off every day very shortly after 2 o'clock till 5 and half past 5 and a quarter to 6, and as soon as dinner is over at night they are away again, and they do not come in till 10 o'clock or 11. They come in just when they like, and you dare not dictate to them nowadays. An employer cannot say that his soul is his own; he simply has to do the best he can. I do not say that all are quite as bad, but the majority of them are; they want their own way. The private houses cannot get help at all. But for the good hours we give we could not get labour. I know there has been a bad slump in New Zealand; there has been nothing doing whatever this winter. The year before last I had about £32 to pay in income-tax; last year I had £3, and this year I have not any. The money is not in the country, and you cannot do the business. I do not want to do any injustice to my staff, but I want to do justice to myself and my family, which I have to support, and it takes me all my time to do it. If the people who come here to agitate and talk to you only had the task of running our places for a year or a couple of years they would not come here. We do not treat our staff unkindly; they do not agitate. I do not think that one-third of the employees in New Zealand know anything about this Bill: they do not understand it. Ever since we have been in Wellington we have been visiting the private hotels, and we find that the employers do not know anything about it. I think it is an absolute shame when they are in such ignorance about it. I think it is quite an injustice to a wonderful country like New Zealand. It means that we ought to close down the whole Dominion, I think, and give these people a whole year's holiday on full pay. As for waiters, I would rather employ waitresses any time, because waitresses are always more conscientious. And female chefs are more conscientious than men. As far as men chefs are concerned I have nearly been driven mad with them: they are never satisfied; you give them a good wage, and they not only want that, but they want to sell everything they can—everything they think they are entitled to. I have my paper here, signed by my staff quite voluntarily. [Document produced.]

3. *Mr. Okey.*] Do you give your hands any general holiday?—Yes; in fact, if they come and ask for a few days I always give them leave.

4. You do not think your employees are asking for this?—I am sure they are not.

5. They are quite satisfied?—They are. Before I left my girls said they did not expect it—that they are doing very well.

6. Do you have your full staff on on Sundays?—Oh, no. The majority of them get off on Sunday afternoon, and those who have to stay on for tea on Sunday night get off after tea.

7. They get their work as far forward as possible on Sunday, so as to make it as light a day as possible?—Yes; and if we are not busy—and the whole of the winter we have not been busy—they have very little to do, and I tell them to hurry up and get out into the sunshine and have a good day, and they do. I do not mind if you send a man down to question them about that.

8. What class of trade do you do—do you have families?—Yes, and gentlemen and lady boarders.

9. Do you have people who have given up housekeeping?—Yes.

10. Finding it cheaper to board than keep house themselves: you have a good deal of that trade?—Yes.

11. Do you have many come to you on a Sunday from the shipping, or anything like that?—Casual people. We have travellers arriving by the boat on Sunday, but not many—in fact, there have not been many travelling this winter.

12. Have you got the extra room, supposing you had to keep three or four extra hands?—No; I have to sleep them out now: I am renting rooms out now for them.

13. If you had to keep four extra hands, as you suggest, you would have to do with fewer boarders?—Yes.

14. So that your income would be reduced in that way?—Yes.

15. *Mr. Veitch.*] Do you work under the provisions of an award?—No.

16. Do you comply with the conditions of an award?—Yes. We are under the Shops Act, though, and that is practically the same as an award.

17. You say you employ eighteen or nineteen hands: do you give them Sunday off when you can?—Yes, I give them a day off whenever I can. I give them a fortnight off every year, and pay them for it.

18. Roughly speaking, how many would be off on each Sunday?—Half; more than half sometimes.

19. As you are now, more than half of your staff get a day off each week?—Yes.

20. This Bill would only require you to provide for the other half of your staff getting a day off each week?—Yes.

21. Would not that considerably reduce your estimate of the increase in the wages?—No.

22. You say that you would require four extra hands?—Yes.

23. To provide one day off per week for nine people: how do you account for that?—They do not get a whole day off—only half a day—on Sunday. I beg your pardon: I meant half a day.

24. None of your staff get a whole day of?—No, not on Sunday. It could not be done.

25. How many hours per week do your people work, then?—Fifty-two hours—not that in slack times. My girls usually get an hour before luncheon on week-days.

26. You do not exceed fifty-two hours a week?—When we are not busy we do not.

27. Under the provisions of this new Bill you would still be allowed to work your hands as many hours as you work them now per week: is not that the position?—It is the day off that we object to, because you cannot expect one maid to do two girls' work. Supposing she has from ten to fifteen bedrooms: you could not expect her to do from twenty to thirty. An old maid of mine here was telling me that she is working at a place where she is doing twenty rooms, and she is getting £1 per week and she makes £1 10s. in tips. She said she would not attempt to do another girl's work: she would rather do anything than that.

28. Do you say, then, that it is impossible to reorganize the work?—Yes, unless we employ extra help. I am positive it could not be done. I have been where I am for fifteen years, and I know how to run my business. I have had one girl for thirteen years. She says it is positively ridiculous that these labour laws are so severe.

29. Could you get over this difficulty better if you were allowed to give the hands fourteen days off every three months?—I do not think so. I suppose if it were the law it would have to be done, but it would be very awkward. They would leave. You would be changing your staff the whole time. You would have fresh girls in the house almost every day. You would never know whom you had or what you were doing. I think it is impossible to work it in that way.

30. Is your place a restaurant under the Bill?—We do a very small casual business—very small, because we are practically isolated; we are right out of the town. We do not cater so much for that.

31. *Mr. Anderson.*] You say that your staff work fifty-two hours a week: how are those hours made up?—So-many hours each day.

32. At what hour do they come on?—At 7 in the morning.

33. And work till?—I never worry them, if they get their work finished, what time they finish.

34. As soon as they have finished their work they have done for the day?—Yes.

35. They have half a day off on a week-day?—Yes, and every afternoon after 2 for two or three hours—three hours, say.

36. Half of them have half a day on Sunday?—Yes, and then every Sunday evening. The Sunday duties are very light.

37. *Mr. Wilkinson.*] You pay a rental of how much?—£1,000 a year.

38. How long is your lease for?—I suppose I have got about thirteen or fourteen years to run. I am not quite sure. I have just taken a new lease, unfortunately.

39. Do you find that the cost of provisions has increased?—Frightfully.

40. What items particularly?—Everything—coals, meat, milk, flour, butter—everything.

41. Just lately?—No, the prices have been gradually increasing. There are always a few pounds more tacked on to my bills. A butcher told me the other day that meat was going to be very much dearer, too.

42. You have no bills, I suppose, showing these increases?—No. I have not brought them with me.

43. What is your tariff?—Permanent boarders, £1 5s. and £1 10s.; and casuals, 8s. a day, or £2 2s. a week.

44. How many rooms have you?—We have sixty-three bedrooms to let for the public.

45. You said that a girl you knew was getting £1 per week and made £1 10s. with tips: is that an extra £1 10s.?—Yes.

46. That makes £2 10s.?—Yes. There are many men in New Zealand who are not getting that, and have to keep a wife and family.

47. Is the tipping system general?—Yes.

48. It is getting quite a custom now?—Yes, too much so.

49. Do the assistants look regularly for tips?—Yes.

50. They expect them?—Absolutely.

Mrs. Black: Excuse my interrupting you, but one of my maids made £2 10s. one morning before breakfast.

51. *Mr. Wilkinson* (to witness).] You said that last year your wages increased by a certain sum?—Yes, the upkeep and everything combined.

52. By how much did you say?—£400. It is the increased cost of living.

53. You do not think there would be any chance of increasing the tariff?—I do not think so. People seem too hard up just now. There is absolutely no money.

54. *Mr. Pryor.*] It is proposed to exempt private hotels employing less than three hands: does that mean increased competition for you?—Oh, yes. I think that if we are brought under this provision the small boardinghouses ought to be brought under it too. The present proposal would mean that we should have to pay so much more money, and they would get out of it altogether. I think they ought to be brought under it if we are. Competition is so keen that it does not give us any chance at all. A lady may be running an establishment with three or four daughters, and she has a distinct advantage.

55. *The Chairman.*] You think there should be absolutely no exemptions?—I think it would be only fair to bring the private houses under it, unless we are all exempt.

56. *Mr. Long* (Secretary, Hotel and Restaurant Workers' Association).] You told the Committee that you are working under the Act?—Yes, the Shops Act.

57. How do you come to work under the Shops Act?—We had notice served on us that we should. We are not under an award. Judge Sim said he thought it too ridiculous for words to put us under an award.

58. Are you aware that you are not working under the Shops and Offices Act of 1910 at all? In the Wanganui decision given by Mr. Justice Cooper it was held that private hotels which are only doing a small casual business in the restaurant line do not come under the Act, and therefore you are not working under the provisions of the Act of 1910?—What am I working under?

59. You are working under nothing?—Then I am under a delusion. I have been adhering to the law, anyhow.

60. *Mr. Davey.*] Who told you that you were working under this Act?—I think it was Mr. Hagger, the Chief Inspector of Factories. Anyhow, there is no harm done: I am better off than I thought.

61. *Mr. Pryor.*] The Labour Department have put you under the Shops and Offices Act?—Yes, I think their officer did.

62. *Mr. Davey.*] Are there many private boardinghouses in Christchurch similar to your own?—Mrs. Cook's, "Warwick House," "St. Elmo," "The Lodge," and one or two others.

63. They are pretty large places?—Yes.

64. They would not come under this Bill at all?—No, and they can accommodate more than I do.

65. You think that if you are put under this Bill they should be also?—Decidedly. I think it is only just.

66. *Mr. Pryor.*] A private-hotel proprietor with a fairly large family and employing two outside hands would be clear of the Bill altogether, and in that way would be competing unfairly with you?—Certainly, and making more money.

67. *Mr. Davey.*] Do these large places in Christchurch take in casuals?—I could not say. "The Lodge," and "St. Elmo," and all those places do, but I do not know whether Mrs. Cook does. She told me that she did not take in many. But she was in a great state about this Bill.

68. It does not apply to her, does it?—Not at present. It is quite a one-sided affair altogether, I think.

69. (To Mrs. Black): Are there many houses in Wellington competing with you?—Oh, yes, dozens and dozens.

70. I mean large ones?—Yes.

71. And they would not come under the operation of the Bill?—No. They are all against it—"The Mansions," the "Columbia," "Waitangi": they do not want it. They said that it means ruination to them. "I could not carry on," one of them told me; "I would have to make my place into apartments."

Mrs. Davies: It has come to this: I would rather sell my furniture and hand over my business to the landlord. It is far too strenuous now to manage. I would be much better off in a position earning a decent wage; I would not have the responsibility.

ROBERT CHARLES HORSLEY, Private-hotel Keeper, Christchurch, examined. (No. 3.)

1. *The Chairman.*] Will you explain to the Committee your views on this Bill?—I came up from Christchurch principally to try to explain the ruinous effect it would have on my business generally. It would absolutely knock the bottom out of the thing. There is hardly enough in it to warrant the worry and trouble of the servant problem now, without going any further into this matter. If we have to give our whole staff a day off it means an increase of the staff. In my case it would run into £250 a year. I am quite prepared for the Government to send a man down to my establishment, and he can stay there and I will pay for him to be there for a fortnight to go through it and watch results, and if he says that my business will warrant the extra expense I am prepared to do what is proposed. But I am sure he would come back and say that it would break me, that it would knock the bottom clean out of the business. At my place I supply meals, and we have very large luncheons on. It is no fool of a cook that will come along to cook dinners for a big number The proposal in the Bill would mean that I would have to employ another first-class cook. Under ordinary circumstances a first-class cook is a very hard person to get hold of. Even when you have a man who can cook well he is very rarely reliable, and I think nine out of every ten hotel people will assure you of that—that the cook proposition is one of the worst propositions in the whole concern. If we have to let housemaids off for a whole day, how are we as private-hotel keepers to get our beds made in the morning? If the girl on one flat does not turn up one day, the beds are not made up, and we shall simply have to employ another girl for one day. It means that anybody in business as a private-hotel keeper must have a staff of two or three who do not work in the establishment, and I think that is far too big a handicap for any concern. The question has come up, Why do we not raise the tariff? We have already tried to raise the tariff, but we are catering for the general public, and the general public do not care much for it. For example, if I were satisfied that I could get half my people to come in for lunch every day I would put my tariff up to 1s. 6d. (I charge 1s. now for luncheon), but I am quite satisfied I would not get a quarter of them. The result would be that I would not have enough money at the end of the month to pay the rent. I simply cannot afford to do it. It is the bulk of the business that I do at 1s. that enables me to manage. We are not making a lot of money in private hotels. We have no bar. Every man gets value for his money. If he does not we very soon hear about it. A man in a private hotel wants his cup of morning tea, his glass of hot milk at night, and all sorts of things at dinner, and he is charged 6s. a day. I have been in most of the hotels in the North Island, and I am satisfied I am putting on quite as good fare as the majority of places that charge 8s. or 9s. a day in the North Island. Yet I get complaints—"Good life! 6s. a day! How much a week?" That is from the general public. What have we got with which to pay this extra staff? It would absolutely ruin me. I could not stand it. All my staff have signed a statement to the effect that they are perfectly satisfied. [Document produced.] Not only that, but my staff saw me off when I left to come up here, and they bade me "Good luck." They do not want the extra time. This holiday question would absolutely knock the bottom out of everything.

2. *Hon. Mr. Massey.*] How many members have you on your staff?—I think there are nine names on that statement; the night-porter was away.

3. Has there been an increase during the last year or so in the price of the articles of food that you require?—The cost of living has gone up—well, this last nine years, I should say, by 50 per cent. From the business that we used to run there, you could see from the returns that are sent in to the Government every year that there is not one-quarter the profit, and the whole thing is summed up in extra cost of living. It is not extra rent. The rent has increased very little, for the reason that the landlord could not demand any more rent because he knows the bottom of the thing is knocked out. If he said, "I want so-much rent," people would not take over the business. We are on an entirely different basis from a licensed house. In everything that we give to the public they get full value.

4. *Mr. Atmore.*] What rent are you paying?—£34 10s. a month.

5. What articles of consumption have the prices increased on principally?—I cannot tell you one article that has not increased.

6. What are the principal ones?—Meat, bread, butter, eggs, cheese—all the principal articles.

7. Milk?—Milk has increased—everything has increased. All these labour laws are simply putting up wages, and the people put up the price of commodities at the same time. It soon comes back on the consumer.

8. *Mr. Okey.*] You think there would be an objection to raising the tariff? You would have to put your tariff up to 1s. 6d., I suppose?—I have no objection to raising the tariff, but you will always find that the fellow round the corner is prepared to cut in under you, and then you have nothing to pay your rent with. The general public now are not prepared to pay a penny more than they are paying. They go to a given house at 6s. or 7s. a day, and if that house goes up from 7s. to 8s. a day they simply drop down a step to the other house that is charging 1s. less.

9. What class of trade do you get of a Sunday?—We do practically nothing on Sunday—just the boarders in the house. As far as I am concerned, the dining-room is shut on Sunday. It is a private hotel pure and simple on Sunday. My housemaids generally get done at 10 o'clock on Sunday. Another point is this: I see that there is a limit of three employees in the clause. Say there is a big family of half a dozen daughters and a couple of sons to run the business. That is not fair competition with us people who have no family. In my case there is only my wife and myself.

10. *Mr. Veitch.*] I understood you to say that this proposed amendment of the law would increase your expenditure in wages by £250 a year?—I will say between £200 and £250 a year. I have not gone into it closely, but roughly it is over £200.

11. You say you employ a staff of nine?—Or ten. I think there are nine names on that slip, and it is one short.

12. Do any of your people get a day off on Sunday?—Sunday is our quietest day in the week. The housemaids have to make the beds and the cook has to get the dinner, but from 2 o'clock there is practically nothing done. Some one has to get the tea, of course.

13. How many extra hands do you consider you would have to employ?—Three extra hands.

14. To give ten people one day off?—Yes, to give one full day off.

15. How would three extra hands get their time in?—We do a large business in the middle of the day and it takes a full staff to work it. And my wife and I both work in the business, and it takes us all our time to get through. We could not possibly work one hand short. We should have to employ a first-class cook to put up a first-class dinner the day our first-class cook was off, and you cannot imagine for a moment that we could go down every Friday, for instance, and pick up a cook to come in for the day.

16. You are reckoning, then, that you would have to employ two cooks instead of one?—We would have to employ two first-class cooks instead of one.

17. You would have to employ two cooks to let one cook off for one day in the week?—We would have to engage one first-class cook for working one day a week.

18. You could get nothing else out of him on the other five days?—Naturally he would lend a hand, but he is not required; we can get along without him. And the probability is that that cook being about the kitchen all the rest of the week would be a source of trouble to you.

19. Would it make any difference to you if you were allowed instead to give your cook fourteen days off every three months?—I have often tried to relieve my cook and give her a holiday. It has cropped up every now and again, when I have been asked, "Can I get away for a holiday for a fortnight?" And I have replied, "If you can find some one to take your place for a fortnight you can go. In the meantime I will see what I can do." It has never yet come off. You cannot engage a first-class cook for a fortnight. If a first-class cook is out of work he is put into a job straight away. It is impossible to get a cook to come into a place for a fortnight.

20. Do you say that it is impossible to find a servant who would act as cook for one day in the week and as relieving housemaid, we will say, for the other five days?—I do not say it is impossible to do such a thing, but I say it is impossible to conduct my business under those terms. Say that cook did not turn up and I had a hundred and fifty people in for lunch!

21. I am suggesting that you employ a servant to act in different capacities, to relieve each of the staff one day in the week?—Those servants have got to be permanents if you are to carry on your business successfully.

22. *The Chairman.*] If you engaged a cook as a relieving cook could you get her to do housemaids' work as well?—No. Have you ever seen a woman who is capable of earning £3 a week doing a girl's work that you can get done for 18s. or £1? You just try it—or come down and watch me when I try it.

23. *Mr. Veitch.*] I only want an answer to my question?—It is impossible, absolutely.

24. I understood you to say that your servants do not want these altered conditions?—My servants are absolutely satisfied with the present conditions, and they have signed a statement to that effect. I am quite willing that any of the gentlemen in this room should go down and interview them privately, and they will tell you the same thing. I feel convinced that they would do so.

25. They do not want the extra time off?—If my girls want extra time off they come to the office and ask me if I will let them off, and I say "Yes." I have a good staff, and I recognize it.

26. How many boarders are there in your house?—I have only four permanent boarders.

27. *Mr. Wilkinson.*] For what term is your lease?—I have ten years' lease.

28. Still to go?—About nine years and a half to go.

29. Have you any evidence of the increased price of provisions—any documentary evidence that you could show us?—I have the receipts for groceries and meat——

30. *The Chairman.*] With you?—No.

31. *Mr. Long.*] Are you working under an award?—No, not under an award.

32. Are you working under the Shops Act?—We are under the Shops and Offices Act, I believe. An award was not made in Christchurch. There were two people in Christchurch opposed to an award, and it is not enforced in Christchurch, I understand.

Mrs. Davies: Judge Sim said he thought it was absolutely impossible to give an award for private hotels.

33. *Mr. Pryor.*] You have some letters signed by employees in other houses, have you not?—Yes. [Documents handed in.] These are only from such places as I have been able to touch up from here.

34. You got those since you came here?—Yes, by this morning's post.

35. They show that the workers are not asking for this alteration in the law?—They show that the workers are quite satisfied with the present position.

Mr. Veitch: I am not quite sure that the Committee can accept these as evidence. We do not know who the people are who have signed them. There is no evidence to show that they are hotel employees. I would attach no importance to them. I submit they should not be accepted.

Mr. Pryor: If you will allow me I should like to say that unless these are accepted as honourable documents we shall be compelled to bring these people here from all over the Dominion and keep the Committee here for weeks. I am endeavouring not to do that, but to save the time of the Committee as much as possible. I will guarantee to get proof of those documents if the Committee requires it.

Mr. Anderson: It seems to me the documents are of very little value. We do not know how they were obtained. If an employer goes round with a list, his employees may not care about

refusing to sign. I think that while we can see they are here and can take them for what they are worth, it would be a great deal better if the evidence was brought here.

Hon. Mr. Massey.—About bringing witnesses here: While I have no desire to rush the Bill through the Committee I would like to remind members that I have two very big Bills waiting until this one is disposed of. So it is necessary that we should curtail the evidence, while giving reasonable opportunities for both sides to be heard.

The Chairman: I do not see any objection to these documents going in. I recognize that they do not form valuable evidence, but there is no reason why they should not go in as expressing the opinion of the people interested. No doubt a great many people are satisfied with their conditions, and no doubt there is a great section that are not satisfied. Some people treat their servants well and some the reverse, and when people are treated well they will sign a document like this. I do not think I can exclude these documents.

36. *Mr. Pryor* (to witness).] Did you get the signatures personally from your employees?—I got them from my employees. I got a young lady to go with me so that I should have a witness to their signatures.

37. What did you say to them when you asked them to sign: did you explain what was in the Bill?—I told them what the proposition was. I said, "There is another Bill coming up before the House that will cause me to go to considerable expense, in this way: you girls are to have a fortnight's holiday every three months, or a whole day every week." And they immediately turned round and said, "How on earth are you going to work it? How is it to be done? An absurd idea!" And they made other remarks of that nature. I said, "I am going up to Wellington over the business and am going to try to stop it. I should be very pleased if you would sign a document to the effect that you are satisfied with your employment." And they one and all said they would very gladly do so.

38. That was all the pressure you brought to bear on them?—Yes, as far as I was concerned.

39. With regard to the increased cost of commodities, have not wages increased during recent years?—We used to pay a waitress 12s. a week and could get them to do almost anything you liked. Now a waitress is getting £1.

40. And does what she likes in most cases?—Mostly.

41. And other sections of workers have their wages increased?—All wages have increased.

42. Cooks' wages?—Cooks' wages.

43. How much have cooks' wages increased during the last few years? When I started in business six months ago I paid £2 10s.: I am now paying £3.

44. You were connected with the business three or four years ago?—I can hardly speak on that point as far as cooks are concerned.

45. The hands are working shorter hours now than they were a few years ago, are they not?—Yes. A girl would start in the morning and she would finish at night. Now they are off in the morning, in the afternoon, and after tea. A man with a pick and shovel goes to work at 8 o'clock and does a solid eight hours. With our business we have to cut in bits and cut out bits.

46. In any case the hands in houses like yours are working shorter hours now in actual work than they did a few years ago?—Certainly.

47. You say that if you were to raise the tariff it would simply mean that people would go to other places?—They would go down a step.

48. Does increased cost not come in in this way, that boarders are demanding a higher standard of living than previously—the boarders themselves want more for the money?—It comes in in this way, that you have got to cater in a better manner for the people before you can get them. It is like fishing: you have got to put a better bait on.

49. And these things all make for increased cost?—Yes.

50. *Mr. Veitch.*] You stated that your waitresses do as they like, principally?—I think that every gentleman here will admit that the servant problem——

51. Do you mean to say that your staff do as they like, principally?—If you go and complain twice or three times to a girl the first thing you know is that she has gone upstairs and packed her kit and gone. Go to any private hotel in this country and ask the same question, and they will tell you it is the truth.

FRIDAY, 8TH AUGUST, 1913.

GEORGE TUTT examined. (No. 4.)

1. *The Chairman.*] Your name and occupation?—George Tutt, tailor, hatter, and mercer, Auckland.

2. Will you make a statement, Mr. Tutt?—Yes, sir. I wish to speak in support of the petition with reference to the Saturday closing in Auckland. I am representing the shopkeepers of Auckland City and suburbs. Now, we are strongly opposed in Auckland to the Saturday closing. We have now had two months of it, and it is materially affecting our returns. All the members of the House know what the position is, as we have circularized them, and if they have perused the circular they will see what a vast difference it has made in our business. This Saturday closing is detrimental to the smaller shops. We have about eight hundred and forty shopkeepers in Auckland selling clothing, merchandise, and different kinds of goods, and I can safely say that it affects about eight hundred of them; and some of them it affects very seriously indeed. Now, I would like to say that the number of assistants that will benefit by the Saturday closing will be something like six hundred, so that you are penalizing eight hundred shopkeepers for the benefit of these six hundred assistants. You are penalizing them on the day of the week that they can take more money than they can on any two or three other days in the week. We often even take more money on the Saturday than we can during the rest of the week. So you

will quite understand that it is a very very great hardship indeed. There are a number of small shopkeepers who have been supporting their families who are absolutely ruined. They are only hanging on now at the present moment to see whether anything will be done; if nothing is done they will have to close up and lose their livelihood. I contend that this is not right. You will notice from this circular that we have given you some particulars of the returns of the shops. Some have dropped as much as £500. Speaking for myself, my returns for the month of June showed a decrease of about £120. We were told that we would get our trade back on the Fridays. I have taken the Fridays and Saturdays for the eight weeks, and the difference to me—and I may say that I have a fairly good stand—has dropped from £523 down to £383. Well, gentlemen, that is a very very serious matter. We have not taken as much money on the Friday and Saturday since this Saturday closing came into force as we used to take on the worst Saturday before. Of course, you can quite understand how it is: the people do not come out on the Friday nights. Take the average working-man: when he gets done his work he does not feel inclined to go home and get washed and dressed and come back to the city at night. That is how we lose a good deal of our trade. Then, again, there is another matter in this connection I would like to point out. We have four or five trains running from Swanson, Henderson, Waikumete, New Lynn, Avondale, and Mount Albert to Auckland on Saturday afternoon. Now, as Mr. Bollard knows, it took you all your time to get a seat on those trains in the ordinary way to get to town when the shops were open on Saturday afternoons; in fact, more had to stand than those who got seats. Now, I understand from the Railway Department, it hardly pays to run these trains on Saturday afternoons. In fact (of course, I have not got it officially) I have heard that they are thinking seriously of taking one of the trains off. The majority of these people from Swanson, Henderson, Waikumete, New Lynn, and Avondale used to leave the train at Mount Eden. That is only about a hundred yards from Symonds Street, and they used to do their shopping there on Saturday afternoons. Now you take all this away. Taking it at a small estimate you can reckon that three hundred people come to town in each of these five trains: that is fifteen hundred. I think it would be a very small estimate if you were to say that they had £1 each to spend to do their week-end shopping. Where the trade has gone to we do not know, but, at any rate, we have not got it. The same thing applies on the railway from Papakura. They tell me that the people now do not come down on those trains as they used to on Saturdays. We are thus losing the country trade, and it appears to be diverted into another channel. It means that the large firms get the trade—the large firms like Laidlaw Leeds and other big stores that send goods to the country. Personally I do not think that this is quite a good thing for the community as a whole. It means that, if something is not done, there are hundreds of small shopkeepers who will have to go to the wall. There is not the slightest doubt that if this Saturday closing is kept in force until the end of this year there will be only one consolation, and it is a very hard fact indeed, that we will be able to put up a record in Auckland for bankruptcies, because we will have more this year than in any previous year of the city's existence. Mr. Chairman, I can assure you of that. I do not think there is anything further that I can add. I sincerely hope we will have your entire sympathy in this matter, and that you will give us an opportunity to have another vote taken on the question. At last election, as you know, there were a number of questions on the papers: there was the City Council, the Harbour Board, the Shop-hours Bill, and the Hospital and Charitable Aid Board, all decided on the one day, and it was a pouring wet day. You can quite understand that out of the total number qualified to vote—forty-five thousand—there were only ten thousand who voted in favour of the Saturday half-holiday and six thousand against it, as numbers of ladies, for instance, could not come out on that day. I do not think there is anything further.

3. I suppose you recognize that this poll has been carried by the people. Seeing that the poll has been carried by the people, this Committee can hardly recommend the House to do anything in the matter so far as the Saturday half-holiday is concerned?—Well, sir, I think that the Legislature can do anything if they wish. A great injustice has been done to us, and you have the power to put it right. Take it this way: There are, as I have stated, eight hundred shopkeepers, all of whom are seriously affected by this Saturday closing. I think you can safely say, taking one business with another, that the amount of capital involved represents £800,000; that is only allowing £1,000 for each business. So it can safely be said that you are locking up £800,000 of capital at 1 o'clock on Saturday afternoon, on the day that we can take more money than on any other two or three days. And for what? Simply to please about six hundred shop-assistants. What interest have they in the country? Another reason why we ask the Legislature to give us another opportunity to vote is this: You will know, sir, that the boundaries have been altered during the last few weeks connecting Devonport and Takapuna, through Takapuna being made into a borough; and the shopkeepers in Takapuna and Devonport are now compelled to close just the same as we in the city. Now, there were only ten thousand people in all who voted for the Saturday closing, while in Takapuna and Devonport alone there are twelve thousand on the roll. So I think we are bringing before this Committee a good case to ask the Government or the Legislature to grant us another poll under the circumstances.

4. You are speaking with reference to the petition?—Yes, sir, the petition which is before your Committee. We thought it would be the best way out of the difficulty. We thought the best thing to do would be to get up a petition, and, if the worst came to the worst, we ask that every one should be made to close. If a Saturday half-holiday is wanted, then it should be made universal, and everybody should be compelled to close, including the hotels. I do not see why the Legislature should say to a shopkeeper, "You must lock up your capital at 1 o'clock on Saturday," the best day in the week for us, and allow other people to remain open to do business.

5. *Mr. Davey.*] The Chairman has mentioned to you the difficulty this Committee would find itself in should it endeavour to prompt the Government to alter the existing law. You

know, of course, that according to law the people have the right to say when the shops shall be open and when closed. Now, will you tell the Committee, supposing the Government was able to alter the existing law, would you consent to another poll being taken, say, three months after a poll had been given in your favour? If a poll was given in your favour, would you consent to another poll being taken in, say, three months to alter that?—Well, if the other side could bring forward evidence and could make out a good case, there would be no alternative.

6. But do you not see what a state of things this would lead us into?—I do not think so. A great injustice has been done to the City of Auckland and the suburbs shopkeepers, and you would not be doing wrong in trying to protect them. Surely legislators do not wish to drive the shopkeepers of Auckland into bankruptcy.

7. Your suggestion is that the Government should be asked to pass legislation putting you back to the position you were in before the poll was taken?—Yes, because the districts have been altered since. The boundaries have been altered considerably. There has been another twelve thousand electors taken into the city.

8. Do you think it would be fair to alter the law? You know that the law states that another poll shall not be taken for two years: do you think it would be fair to alter that?—I think so, sir, under the circumstances.

9. Would it be a proper thing, for instance, to tell the people of Wellington to close on Saturday, after they have said no?—I do not think myself that this matter applies to Wellington at all. They know what is best for themselves, and we know what is best for ourselves.

10. You think that the Government should pass legislation in accordance with the views of the shopkeepers, so that, in each locality they could keep open on the days which suit them best?—Yes, I think that would be only right. I think that each district should choose the day for closing which suits their business best. We would like you to place yourselves in our position. Would it not be a hardship if we were to come to you and tell you to close your business on a certain day, when on that day you can take more money than on any other two or three days of the week?

11. Do you not think the people—not the shopkeepers themselves or their assistants—do you not think the people, who really keep both, should have some say as to when the shops should be open for business?—Yes.

12. Is not that the result of the poll? Have they not said by their vote that they think the shops should be closed on Saturdays?—Well, they have in a sense decided that way, certainly; but then it was such a very small poll on account of the wet day, and again you must take into consideration that the boundaries have been altered so much since then.

13. I was thinking of the position at Christchurch. They have decided to close there by a huge majority—two to one, I believe—on Saturday?—Yes, but they are feeling the effect of it.

14. Yes, the shopkeepers?—Of course. What we would like is to revert back to the old order of closing on Wednesday or Saturday.

15. *Mr. J. Bollard.*] I understand you suggest, Mr. Tutt, that there should be another poll, on the grounds that the area should be extended?—The area has already been extended.

16. It has not been extended to Road Boards?—No. We would like to see Road Boards included.

17. Do you think the people, when the last poll was taken, really realized what they were doing?—No, I do not. I think the public have been so inconvenienced that, if they had another opportunity, there can be no question about who would win. In fact, there are many shopkeepers who are exempt, and who thought it would be a good thing for them, who find it has been disastrous to them as well as ourselves.

18. You would rather go back to the old order of things, which left to the shopkeeper the choice of closing either on Wednesday or Saturday?—Yes.

19. *Mr. Hindmarsh.*] Do you suggest that this money is not spent somewhere? Is not this money spent in some other shops eventually—say, in some of the country places?—I do not know. I could not say anything with reference to the out-districts.

20. Probably the shopkeepers out there do much better?—I think myself the money is diverted to the larger shops in the city.

21. The larger shops?—As I have explained in my evidence, I think the trade is going to the large shopkeepers.

22. But they also close on Saturday afternoons?—Yes, that is so; but most of them have always closed on Saturday. It makes no difference to them.

23. But when the people come into town to buy, your shop is open as well as the larger shops?—Yes, but you must understand that the suburban shopkeepers do a working-class trade. If we open our shops and close at the same time as the average working-man knocks off work, where is he going to spend his money?

24. Well, perhaps he does not spend it. He may put it into the bank or save it in some other way?—I think it goes into other channels. I think myself it goes largely to the hotels and picture-shows.

25. What sort of a shop do you keep?—Tailor, hatter, and mercer.

26. Do you suggest that the people go without mercery and hats?—No, I should not say that they go without.

27. *Mr. Clark.*] Do you not think it is only fair that the majority should rule?—Certainly.

28. Was it not decided at the poll that the shopkeepers should be compelled to close on Saturday?—That was certainly carried at the poll; but, as I have already explained, there was so many election matters to be decided on the day, and as it was such a teeming wet day, that it was not really a fair decision. Since the poll was carried we have had two other large districts brought into the area, and there are more electors in these districts than those who voted at the poll. You must remember that only ten thousand voted out of forty-five thousand on the roll.

29. If the larger shops are closed on Saturday afternoon, how can the trade go to the larger shops? The people cannot do their shopping on that day?—Of course, the people have got to do their shopping within certain hours, and they will go to the big men for preference when the small shops are not open on Saturdays.

30. *Mr. Atmore.*] Your contention is that the inclusion of Takapuna and Devonport in the area has brought those districts under the Saturday-closing conditions, as to which they have not had a chance to vote upon?—That is quite right.

31. The difference between those who voted for and against the proposal was four thousand?—Yes.

32. There are about twelve thousand extra voters in those districts?—Yes; there would be fifteen thousand to twenty thousand extra voters if all the districts were included. The different districts are Takapuna, Devonport, and Eden Terrace. Eden Terrace, as you know, is only a small Road Board district. All the others have to close, but this little Road Board district in the centre does not have to close.

33. *Mr. Glover.*] You remember, Mr. Tutt, the day this poll was taken, when there were so many issues put to the electors—the City Council, Shop Hours, Harbour Board, and Hospital and Charitable Aid Board elections—all on that particular day, which was a very wet day indeed?—Yes.

34. How many persons recorded their votes?—There were sixteen thousand recorded their votes out of about forty-five thousand on the roll.

35. I presume, then, considering that only sixteen thousand out of forty-five thousand people recorded their votes, that the people would not come out to vote on account of the inclement weather? Is that a reasonable assumption?—Yes, that is so.

36. They did not take that interest and energy in the proceedings that no doubt they would have done had the day been a fine one?—No.

37. You think it would have made a great difference if it had been a fine day?—Yes, I do.

38. You remember when you had the Saturday closing or the Wednesday closing in Auckland. I think it is your desire to go back to that principle. I am not speaking as to the whole of the Dominion, but I am speaking of Auckland from that particular standpoint. You would like to go back to the optional system of either Wednesday or Saturday closing?—We would, sir.

39. Have you any evidence to produce before the Committee to show us the amount of loss that has taken place?—We have circularized members on the subject giving them particulars.

40. The members have already seen these circulars?—Yes.

41. Does the circular show a loss or otherwise?—A very big loss.

42. And what do you think, Mr. Tutt, if this Act is not altered to give you an opportunity of having either Wednesday or Saturday, will be the consequences of the trade of the small shopkeepers? Do you think it will detrimentally affect them? Will it mean the closing of some of the shops?—I think, sir, that out of the eight hundred shopkeepers affected there is no doubt but that three hundred of them will have to go through the Bankruptcy Court.

43. You think you can state with confidence, Mr. Tutt, that it would be a matter of ruin to some of these people?—There is no question about it.

44. *Hon. Mr. Massey.*] In the forty-five thousand you mention as being eligible to vote you did not include the Takapuna district and Devonport?—No.

45. Have you any idea as to how many there are in those districts?—Twelve thousand.

46. You add that on to the forty-five thousand?—Yes.

47. And that gives you fifty-seven thousand?—Yes.

48. If we could get Eden Terrace in on top of that it would mean about sixty thousand?—Yes.

49. Ten thousand voted for the proposal and six thousand against it out of forty-five thousand?—Yes.

50. *The Chairman.*] You are supporting this petition which represents some fifteen thousand people?—Yes.

51. Naturally they are not all shopkeepers?—No, the petition is not from the shopkeepers alone, but from the public; and if we had had time—we received word that this Committee was meeting soon—we could have got another ten thousand easily.

52. Do you think it was to the advantage of the large shopkeeper in the city who employs a number of hands to have this Saturday closing? Do you think it would divert trade from the small shopkeeper to the large shopkeeper?—I do, sir, because one large shopkeeper in particular would certainly not have used his energies in favour of it in the way he did if it had been otherwise.

53. In what way?—In trying to induce people to vote for the Saturday closing. Circulars were sent out with every parcel for months previous asking the people to vote for Saturday, and yet that firm has not always closed on Saturday.

54. What firm is that?—John Courts (Limited).

GEORGE TUTT re-examined.

Witness: I would like to answer that question from Mr. Anderson. He asked Mr. Coates whether we did not try and oppose the Saturday half-holiday at the poll. We did, sir. The shopkeepers of Auckland spent about £175, but Mr. Coates, being exempt, and a number of other shopkeepers, they naturally thought if the other shops were closed that their business would improve considerably, and therefore they voted against us; but now they find that they have fallen in just as badly as we have. You will understand the trouble we had. We spent the money, but we could not get the people out to vote, because it was such a wet day.

C. DALTON examined. (No. 5.)

1. *The Chairman.*] Your full name, Mr. Dalton?—Cyril Harley Dalton.

2. You are a shopkeeper in Auckland?—Yes, clothing and mercery.

3. It is not, of course, necessary, for you to go over the same ground as Mr. Tutt. You can, if you like, simply endorse what he has said?—I wish to endorse the evidence already given by Mr. Tutt, and am prepared to answer any questions.

4. *Mr. Davey.*] How long has this large shop to which the previous witness referred been closed on the Saturday?—Eight weeks.

5. Did they close before the poll was taken?—No.

6. Did none of the large shops close on Saturday before?—Yes, about five or six in Queen Street.

7. The firm you mention only closed as a result of the poll?—Yes.

8. *Mr. Glover.*] The previous witness has stated that some serious losses have taken place in consequence of the Saturday closing. Can you inform the Committee how far it has detrimentally affected your own business so far as your weekly expenses and takings are concerned? Would you kindly intimate to the Committee the loss, if any, that has occurred to you?—My business has gone down £30 or £40 a week.

9. That is, your turnover?—Yes. My takings used to be about £100 a week, and the Saturday takings were by far the most important. From Monday to Friday I usually took £50, and then another £50 the next day. It is purely a working-class trade, and we find that the people do not have the money until Saturday; and when they get their money on Saturday they have no chance to do their shopping. Last Friday night a woman came into my shop and said she had had to borrow a sovereign from her next-door neighbour, as her husband did not get paid till the Saturday. They are the people that feel the inconvenience of the Saturday closing. It is all right for the well-to-do people who shop in Queen Street, but many of the working people have to rely upon the money they get on the Saturday.

10. Could you inform the Committee of any other cases in which losses have occurred?—I will give you one instance of a shopkeeper in Newton who had to place his affairs before a meeting of creditors about three months ago, but his sister came to the rescue and accommodated the creditors to the extent of 15s. in the pound. I will give you his figures: During the eight weeks of June and July in 1912 his takings were £312 2s. 8d., while in June and July of this year his takings were only £155 9s. 6d.—just about half. The annual rental of that shop is £260, and the annual rates £30. How is that man going to get along now, when he had to make an arrangement with his creditors when he was taking £312 in those eight weeks last year?

11. He is reduced to half his takings?—Yes, but his rent is the same, and his rates are the same. He cannot get any reduction, and he has a lease.

12. Have you any more instances?—Yes, I can give you the case of another man, opposite me in Newton, who is a shopkeeper supplying ladies' costumes, blouses, and women's apparel. The man who had the business previously started it about four years ago, but he made a fortune out of it.

13. What was his name?—His name was Campbell. A Mr. Dyer has taken over the business. For the eight weeks in June and July of 1912 the takings were £572 17s. 3d., and for the eight weeks in June and July of 1913 the takings were £324 3s. 10d. You will notice the difference from £572 to £324. That man's wages, rent, and other expenses amount to £25 a week. He is a manufacturer as well. He manufactures the goods on the premises. The week before last he took £21 for the whole week.

14. *The Chairman.*] There has never been very much of this retail trade done in Queen Street on Saturday afternoons?—No. On Saturday afternoons the people get out into the suburbs.

15. It is principally done in Symonds Street?—Yes, Symonds Street and Karangahape Road.

16. And the Saturday half-holiday closing had been very detrimental to these streets?—Yes, that is so. My next-door neighbour in Newton also has a shop in Queen Street. He has gone down considerably in his takings in Newton, and his Queen Street trade has increased a little, because the factory workers and the public there now do their shopping more in their lunch-hour in Queen Street. They cannot get away into the suburbs to do it.

17. *Hon. Mr. Massey.*] What has been the effect of this compulsory Saturday half-holiday from the employees point of view? I am speaking of the employees in the shops. Has there been any reduction in the number of employees?—Yes, there has been a great reduction. In my own place I employed three hands. I have dismissed one, and I expect another one will have to go. I suppose there are thirty or forty out at the present time, and they are very unfortunate because they cannot go to another shop and get on.

18. You are speaking of people employed in Karangahape Road and Newton generally?—Yes, I know one shop where three of the hands have been put off.

19. *Hon. Mr. Millar.*] Your argument is that the purchasing-power of the Auckland people is reduced owing to the Saturday half-holiday?—Yes.

20. In what way?—I mean so far as the small shops are concerned. I suppose there is more money goes into amusements or hotels—except that which goes to Queen Street during the week.

21. Your argument is that because Saturday is the half-holiday the people are not purchasing what they require?—I would not say that, but the money is not coming to the small shopkeepers.

22. Do you not think the people have a right to fix their holidays?—I think the shopkeepers should be allowed to have the half-holiday on the day which is best suited for their business.

23. Who keeps the shopkeepers?—The public.

24. Have not the public a right to say on what day the holiday shall be?—If you come to consider it out you will find that it is only the "sports" which are really at the back of the whole thing.

H. A. COATES examined. (No. 6.)

1. *The Chairman.*] Your name?—Harry Aylmer Coates.

2. You wish to speak in support of the petition?—Yes, and I would also like to give evidence later on with regard to the Amendment Bill which has been brought down with reference to the Shops and Offices Act.

3. Your business?—Pork-butcher.

4. You are not exempt?—Yes, I am exempt. I am speaking now, of course, as representing the shopkeepers generally. Later on, when giving evidence on the Amendment Bill, I will speak as a representative of the pork-butchering trade. Well, I can honestly endorse my friends' remarks as to the general effect of the Saturday half-holiday; but I can go further, and I will show you how it seriously affects businesses such as mine, which are exempt. We have been placed in a very unfortunate position over this matter. There was a firm of pork-butchers in Auckland who were on the verge of bankruptcy. As a matter of fact they were bankrupt really; and in April last we took over their liabilities, amounting to some £1,600, and also two leases, one extending over eight years at £10 a week rental and rates, and the other extending over five years at a rental of £7 a week without rates. We also have our main business in Symonds Street. Thus we have three shops: one at the lower end of Queen Street, one at the upper end of Queen Street, and one in Symonds Street. Now, I find from my returns that this Saturday closing has had a most serious effect, inasmuch as it has taken practically £551 out of our business in two months—that is to say, comparing the business done at the old shop in Symonds Street during the two months of last year with the two months of this year in which this Saturday closing has been in operation, and also comparing the takings of the two shops we have taken over with the two previous months before the Saturday closing came into operation. Take the lower shop in Queen Street. We took that over about the middle of April—the 17th April, to be exact. From the 17th April to the 30th our cash takings were £133 18s. 9d. In May, by careful nursing, we had increased these takings for the month up to £469 15s. 5d. In June the takings fell slightly. During two weeks of June the Saturday half-holiday was in operation, but I can account for these takings keeping up so well as they did during that month. For the first two Saturdays after the Saturday half-holiday came into vogue the people were not accustomed to it, and we being the only shop handling meat or anything like that, we received the benefit no doubt for those two weeks from those people who could not get their supplies from the grocers. In July the same shop made a clear drop down to £315 14s. 5d. Then the Saturday half-holiday was in full swing. Now we will take the other branch shop at the top end of Queen Street. During April and May of this year our takings there were £637 18s. 6d., and during June and July they had fallen down to £522 14s. 10d., a drop of £115 3s. 8d. These are cash takings purely and simply. Now we will take the Symonds Street shop. This is as old an established business as any business in Auckland, and is, I may say, as solid as a rock. That business has fallen considerably. The June and July takings of 1912 were £850 1s., and the June and July takings for 1913 were £635 2s. 3d. During April and May of 1913 the takings were £836 17s. 2d. and for the two months in which the Saturday half-holiday was in vogue, as I have said, the takings were £635 2s. 3d. This shows a loss of business of £214 18s. 9d. between the June and July of 1912 and 1913, or of £201 14s. 11d. as compared with April and May. Now, this is a most serious position for us, and there are a number of other businesses in Auckland affected in the same way—perhaps not to so great an extent, but I contend that this Saturday half-holiday has created a depression in the town as far as the small shopkeepers are concerned. The question has been asked where the trade goes to, and it has been mentioned that the trade is diverted to some extent to the larger shops. It has been asked why. My explanation of that is this: the large stores handle all sorts of lines, and they have a regular delivery; and if persons cannot get out to the shops, when they have an opportunity they must take advantage of a firm who can deliver the goods at their door; and that, in my opinion, is the way it comes about. These large stores are taking up all these side lines, out of which the small shopkeepers are being squeezed, and it is all run with the one set of expenses. No doubt if this sort of thing is allowed to go on it will squeeze out a great deal of labour in Auckland. In our own case we have already paid off three men and a boy, making four hands, and there will be more to follow, of course, if we cannot get things put right in some way. Coming to the suggestion as to the justification for another poll. There was somewhere about sixteen thousand voted at the poll when it was taken, and yet I think that our petition—and we have not got by any means all the signatures of those in favour of it—I can assure you the womenfolk are up in arms about it—is signed by some fifteen thousand. That, I think, is a clear indication that it would be quite justifiable to take another poll. There are fifteen thousand signatures on this petition before the House as against ten thousand that have voted for the Saturday half-holiday. There is another point with respect to the businesses of these shopkeepers. They are thrifty people that have worked hard. We have worked hard ourselves. They have worked hard in connection with their businesses and have a great deal of capital invested in them, and now a thing comes along like this—originated, I believe, by a few "sports" and one or two of the larger firms to enable them to reap a benefit from it—and practically ruins them. It cuts the livelihood right away from all these thrifty people. I contend that it is not right that we should have our living cut away from us in this way. Now, as to those who voted for the Saturday half-holiday: As I say, the chief interest is sport, and, taking them all round, they are anything but thrifty. Now, sir, why should such people as these govern thrifty people, and undo all their life's work? That is what it amounts to. I do not think I have any more to say with regard to the petition. As I have stated, I would also like to give evidence with reference to the Shops and Offices Amendment Bill, as a representative of the pork-butchers of Auckland, if I may. There is a clause I notice in this new Bill which has been brought down which has defined pork-butchers as clearly distinct from the ordinary butchering trade. I

would like to say, on behalf of the pork-butchers of Auckland, that that clause is most desirable and should be allowed to remain there. There has been a great deal of the most serious trouble caused to the pork-butchers of Auckland by coercion that has been brought about by the large butchering firms in Auckland trying to squeeze the pork-butchers out of existence, inasmuch as they make use of the arbitration laws to drag us in on every occasion when opportunity occurs. There are a number of pork-butchers in Auckland where the shop is run by the proprietor and probably his wife, and they have to work long hours and are just making a living, and it is very annoying to them to have from time to time to go along and defend themselves from this coercion on the part of the butchers. There is a large firm in Auckland that is apparently trying to create a monopoly. This sort of thing has been our trouble all along, and I would like to see this made law, as it would free us from this coercion. That is all I have to say.

5. *Mr. Davey.*] I understand that you are running a small-goods trade?—Yes.

6. Do I understand that your takings have practically dropped through the Saturday half-holiday by over £200 at your main shop?—That is a fact. The figures are taken from my books.

7. That is dealing absolutely with the necessaries of life?—No, not the necessaries. Our trade is generally looked upon as providing the luxuries.

8. Pork sausages, bacon and ham, and suchlike?—Yes.

9. I do not understand why there should be such a vast difference in the amount of money spent. I assume that they spend it somewhere else?—That is what I say. It is going into other channels. It goes largely, I believe, into the picture-shows, and more is diverted to the larger stores and to the hotels. There is no doubt about it.

10. Do you think more money is spent at the hotels and picture-shows than there was before?—Certainly. I am sure of it—as regards picture-shows, at any rate.

11. You do not think, then, that this may mean greater thrift on the part of the people?—No, certainly not. Quite the opposite, in fact.

12. *Hon. Mr. Millar.*] You mean to imply that the money has simply been transferred from pork sausages, &c., to picture-shows. Do you not think the people have a right to spend their money as they please?—Certainly the people have a right to do what they like with their money; but it is not right that the shopkeepers should be ruined and cut out of their livelihood.

13. You think they have a right to do what they like with their money?—Most decidedly they have. I am simply depending my own interests and the interests of the other shopkeepers. But I can say this, that it is coming back on to the workers.

14. *Mr. Atmore.*] Have you any idea as to what would be the probable cost of a second poll?—No.

15. Would the petitioning shopkeepers be willing to bear the cost of a second poll?—Well, if it was put before them I have no doubt they would. I myself would be quite willing to bear my proportion of it, I can assure you.

16. *The Chairman.*] Your contention is, Mr. Coates, that the Saturday half-holiday is equally disastrous to the exempted shopkeepers as it is to those whose shops have been closed?—Yes, I am positive of it.

17. It has been alleged that the money is going to the large shopkeepers?—Yes, that is so.

18. Well, I think Auckland people at any rate recognize that you are the largest shopkeeper in your particular business?—Yes, that is so.

19. Well, how do you account for the loss of trade in your case?—We do not deliver goods. Our trade is purely a cash trade. The people have to come to us for what they get.

20. You think it is quite likely that the people, not being able to spend their money at the shops, spend it in other directions in extravagance?—That is quite likely. We all know it is very hard for the general public to keep money in their pockets.

21. *Mr. Anderson.*] You knew, of course, that this poll was to take place. Did you take any steps in connection with it?—No, I must admit myself that I did not, beyond recording my own vote. I had no idea that it would ever be carried at all.

22. You have got a small shopkeepers' union?—No.

23. They took absolutely no interest in it?—No.

24. They were minding their own business?—Yes.

25. And now you find that because you did not take interest in it it has affected you?—Yes.

26. You are asking Parliament now to make a special law to get you out of the difficulty that you have got into yourself?—Some one else has got us into the difficulty. One cannot be always following up politics, and arbitration awards, and laws, and suchlike.

JAMES SAMUEL DICKSON, M.P., examined. (No. 7.)

1. *The Chairman.*] You would like to give evidence, Mr. Dickson?—Yes, in support of the petition. I may say that I have been connected with business matters in Queen Street, Auckland, for the last twenty-five years, and, of course, I can only speak on account of the half-holiday as regards the shopkeepers in Queen Street. These other gentlemen, I believe, are representing the suburbs. I may say that the Saturday closing has very seriously affected the trade of the shopkeepers in Queen Street; at any rate, in my line of business it has done so—that is to say, general clothing and mercery. We find that now the Saturday half-holiday has come in that the adjacent larger shops are opening out and securing a good deal of the trade which used to come to us. My experience in the past has been that when any public holiday came during the week, of course the large shops used to open up on Saturday night, and then we did not do anything like our ordinary Saturday night's trade. We now have to close when the larger shops are closed, and consequently they get a good deal of the trade which would otherwise come to us.

That is really the position so far as Queen Street is concerned, and I am quite satisfied that this Saturday closing will drive the trade to the larger shops, and I know it will have a most fatal result so far as the finances of the smaller shopkeepers are concerned: they cannot afford to pay the rents and keep going on under the present conditions. Why we would like a fresh poll taken is this: The law was a little bit faulty, in the first place, in regard to Road Boards. It only applied to boroughs, but, unfortunately, we have the Eden Terrace Road Board district right in the heart of the City of Auckland; and the shopkeepers in that Road Board district are allowed to keep open, while the shopkeepers in the Borough of Mount Albert and the Borough of Mount Eden further on have to close. There was one particular shopkeeper in that district who had a large grain-store on one side of the street and a big grocery-shop on the other, which came under the Saturday closing. The grain-store was in Eden Terrace and was exempt, and the grocery-shop was in the City of Auckland. And the consequence was that when this Saturday closing came into force he simply changed the grocery-shop over to the grain-store, and put the grain-store in the City of Auckland. So that now he has a right to keep open, and is naturally doing a roaring business. Go a little further down and you come to Page's store. They have to close because they are in the Mount Albert Borough——

2. *Hon. Mr. Massey.*] Is Page's store in Mount Albert Borough?—Yes, and consequently they have to close. That is why we would like to see Eden Terrace brought in. I consider that any Road Board such as Eden Terrace should be brought in just the same as a borough. Why we ask for another poll is on account of Devonport and Takapuna being brought in on account of Takapuna, which was part of the Waitemata County Council, being formed into a borough. It links up the North Shore. I may say that it went across the water from Ponsonby to Birkenhead. The old Act provides that it should be within a mile of the city boundary. Going across from Ponsonby to Birkenhead it is just on to the mile, though from Queen Street Wharf to the North Shore it is just a shade over the mile. The consequence is that the small boroughs of Birkenhead and Northcote have to close. Through Takapuna coming in as a new borough it brings in all the North Shore now.

3. *The Chairman.*] Takapuna is between Birkenhead and Devonport, and so links them up?—Yes; they have to close.

4. That extends eight miles from Auckland?—Practically. But the old Act provides that you can go up to fifty or a hundred miles so long as there is only one mile between each borough. The position is this with regard to Devonport and Takapuna: they did not have a vote taken, and yet later they are put in. We consider it is only right and fair that, the area having been so enlarged and all these districts taken in, legislation should be brought down to allow a fresh poll to be taken over the whole area, as the number of residents in these particular localities practically amount to the number of people that cast their vote on the day when the poll was taken. That is really the position. Then, in the event of the poll being taken, and it being declared in favour of Saturday again, the shopkeepers, of course, will have to abide by it. But in that case we want to impress upon you that we would like you to do away with the exemptions under the Act.

5. *Hon. Mr. Massey.*] What exemptions are you thinking of?—Well, I may say that the Saturday night before I came down here I went to Newmarket, in my own electorate, and I went into a baker's shop there to see what I could buy. I asked for some biscuits. He said, "Yes, I have a large supply of biscuits—all the different kinds of biscuits." I bought some biscuits, and I then went along to a fish-shop a little further along the road in Newmarket, and I got all sorts of pickles. Then I went into a pork-butcher's shop and got some other things there. I maintain that there ought to be a clause put in the Bill so that if such shops as fish-shops are exempt they should only be exempt on condition that they sell nothing but fish. That is really what we want to get.

6. *Mr. Davey.*] That is the law now, is it not?—No, it is not. Another serious thing is that under the old Act a Chinaman can keep open if he is not naturalized. We do not want that sort of thing to exist any longer. I can honestly endorse what the other gentlemen have said in regard to returns. The returns are falling off all round. The reason for that is this: the small shopkeepers had a certain amount of trade on account of the larger shops being closed. If those larger shops had been open on the Saturday nights we would not have done the trade that we did; and consequently the smaller shops have now lost this advantage. I am speaking from a Queen Street point of view. The consequence is we lose this trade, and then we have to compete against these other people when we are open.

7. *Mr. Atmore.*] You think the shopkeepers would be willing to pay the cost of another poll?—I think so. I may say that the Mayor of Auckland is in Wellington at the present time. I have laid the matter before him, and he sees the injustice of the thing, and he says he will do everything possible to assist us if we get a new poll. He says that he does not think that any of the local bodies would object to the cost of the poll. The cost of the poll would probably be about £120.

8. What, right through?—Yes. The rolls are made up. It is only a matter of advertising and the poll-clerks; it would not run into more than £120. If there was any objection from the local bodies to provide the money I am quite satisfied the shopkeepers would make it up. The amount would be very small when divided up among the local bodies.

9. *Hon. Mr. Millar.*] Have these fifteen thousand persons who have signed the petition asked for a poll?—They have asked for a poll, and to do away with the exemptions.

The Chairman then instructed the clerk to read the petition, which was done accordingly.

10. *Hon. Mr. Millar.*] There is no mention about a poll?—Of course there is. The petition asks that we revert back to the old system. The old system provided for a poll.

11. You have had that poll now?—No, we have not. A large area has been added on which has not had a poll in any shape or form—that is to say, the twelve thousand electors of Takapuna and Devonport, who have had no voice in the matter one way or another.

12. That is exactly the position in the King-country now with respect to the Licensing Act, is it not?—You cannot compare the Licensing Act with the labour laws.

E. STEWART examined. (No. 8.)

1. *The Chairman.*] Your full name?—Edward Stewart.

2. You wish to give evidence on the Shops and Offices Bill?—Yes. I wish to give evidence as to the conditions existing in Australia with regard to cooks, waiters, and hotel employees.

3. What is your occupation?—A chef.

4. Do you wish to make a statement?—Yes. I would like to make a statement. I have just come back from Sydney after being absent from New Zealand for two years, and I would like to speak as to the working-conditions over there. They have a whole day and a half-day off per week—a half-day under the Shops and Offices Act and a whole day under the award. This applies to both hotels and restaurants, and it is found in working very easy for them to get along and still allow their employees a day and a half off per week. It applies to all the employees in both hotels and restaurants. I was second chef in charge at the Hotel Australia, and I found it very easy to work the men. We only required one extra man as a useful, and perhaps a housemaid-waitress to relieve. I was also second chef in charge at the ABC Café in Sydney, and the system was found to work well there too. Where there is one cook employed the mistress of the house generally does the relieving, and where there are two employed they also have a second hand who can do the relieving; so that there is no difficulty about them getting off.

5. *Mr. Lang* (Secretary, Cooks and Waiters' Union).] Would you mind explaining to the Committee, Mr. Stewart, how the kitchen was arranged so as to make the work continuous and yet so that the holidays could be given?—Yes, I can easily do that. I will take the case of the Hotel Australia. The chief cook used to get his Sunday off, and half a day in the week as well, and I myself, on every alternate week, used to get two days off—that is, I finished up on Friday night and started again on Monday morning, and I also used to get an additional half a day a week. When my long week was on I took the half-day on the Mondays, and when my short week was on I took it on the Tuesdays. I worked in conjunction with the chief cook, and the other employees of the kitchen, of course, could easily get their time off. At the ABC Café we only worked five and a half days a week, and worked eight and a half hours a day. It is working well at all the hotels and restaurants over there. Everything is running smoothly, and, in fact, it works splendidly. There are less changes taking place, and so forth, and a better class of men are employed.

6. It has been contended that in an establishment like Warner's at Christchurch it would be necessary to have another first-class cook. Will you explain to the Committee what staff a hotel like Warner's would require to give the day and a half per week?—I think I can do that. All they would require would be a "useful." The third hand, if he is a competent man, is equal to a second cook in a four-handed job. They could easily get over the difficulty by employing a useful man about the hotel. It would make no difference as to the changes that take place during the week because of the holiday, as each man could then get his holiday off.

7. Did you get any other extra holidays at the hotels in Sydney?—Yes. The holidays in Sydney are five days in the year additional. There are two days in the first six months and three days in the second six months. If you leave without misconduct after being at a place for four months you get pay instead of your holidays for the time that you have worked. These holidays take place during the next six months after being in the employment of one employer for that length of time. That is under the award.

8. *The Chairman.*] What hours per week do you say you worked?—Sixty hours per week, and the work was continuously done within eleven hours per day.

9. Have you worked at any of the leading hotels in New Zealand?—Yes. I have worked at Warner's in Christchurch, at the Star Hotel in Auckland, and at numerous other places doing relieving-work. I was working in New Zealand for over ten years.

10. You say that, as an experienced chef, there should be no difficulty in all the hands in the kitchen getting a day and a half off per week without interfering with the work of the kitchen?—I can safely say that.

11. When you had your holidays and when the chief cook had his holidays while you were in Australia, was it necessary to bring in any outside assistance to do the relieving-work?—No. It was never necessary to bring in a stranger except when the three days or the five days' term holiday took place. This was only required when the cook was away for so long a period as that. Of course, under ordinary circumstances, with respect to the general weekly holiday, there was no extra man required. When the chief cook was away the second cook used to take charge, and when he was away the chief was always there, and the other man was there also.

12. It was only when the holiday additional to the weekly holidays were given that it was necessary to bring in any outside assistance?—That is so.

13. *Mr. Anderson.*] Did you work under the award in Australia?—Yes.

14. What were the hours?—Sixty hours for cooks, sixty-three for kitchenmen, and for all other workers fifty-eight hours per week.

15. You worked that sixty hours although you had a day and a half off each week?—Yes.

16. What hours did you work per day?—Eleven hours per day.

17. Were you in Australia when the award came into force?—No. I have been in Australia since the award came into force.

18. You were not there when it was first established?—No. It was established in April, 1909, and it was renewed, I think, this year, 1913.

19. Do you know if there was any disorganization of the work in the hotels when it was brought in?—No. The employers, I believe, made a little bit of a fuss at first, but they find now that it works very satisfactorily. I found that in Sydney it was very hard to get a billet, because since the employees have been able to get this time off they do not change so much, and the employer is getting better results, as the employee is studying the employer's interests more.

20. Have you had any experience of similar places where, say, not more than six are employed outside the kitchen, and where there is only one cook and the necessary assistance?—I have had to relieve at one or two such places when looking for a billet, because the employers themselves do not want to do the work, and they have said, "Very well, you can come in and do a day here." Where there were two hands, when the cook used to get the day off the second cook used to do the work and the useful man used to come in and do the kitchen-work.

21. Have you had any experience where there has been only one cook?—No; but I know that it works all right.

22. You have had no experience where there has been only one cook?—No.

23. Have you any idea as to how it is done when there is only one cook?—Simply this: the mistress of the house comes in and does the work; or they might get outside assistance. A woman might, for instance, have five or six such houses to go to, and would do the relieving, thus putting in the whole week.

24. How would it work at some of the smaller towns, say, of the size of Ashburton, at the hotels where I suppose they have only one cook?—Where there is only one cook employed, as a rule they generally have a housemaid or a waitress there that does the cooking in such cases. The housemaids and waitresses are generally engaged on that understanding wherever possible, and they are paid proportionately for the relieving-work they do. They go into the kitchen and do the relieving-work, and it works very satisfactorily.

25. *Mr. Glover.*] How long were you in Warner's Hotel in Christchurch?—I was at Warner's Hotel on two occasions. Eighteen months was the last period. On the first occasion I was there two years and five months.

26. If this system were to come into operation here do you think it would be carried out satisfactorily without increasing the expenditure to the employer?—It would perhaps mean one extra in each of the different departments—one man useful and a housemaid. In a big hotel employing a number of hands it would not be necessary to increase the staff at all.

27. Take, for instance, the Grand Hotel in Wellington: what extra hands do you think would be necessary in the case of that hotel?—One useful. They would have to get a porter who could be useful for relieving in the dining-room or for relieving in the kitchen. That is all the extra expenditure that would be required.

28. You think it could be brought in satisfactorily both to the employer and the employee?—Yes. It has been found to work satisfactorily in a place like Parlett's Hotel in Sydney, where they do more business than they do at the Grand Hotel here. There are two dining-rooms there, and the employees are no more numerous than at the Grand Hotel, and yet they get their day and a half off.

29. *Hon. Mr. Millar.*] I understood you to say that at the Hotel Australia they only required an additional housemaid to do the relieving at that place?—Yes, in that department. But the Hotel Australia cannot be compared with the general run of hotels. It is an extremely large place. I think it is one of the largest places in Australasia. Only one man extra is employed in the kitchen and one housemaid extra, and there was also an extra man, I think, required in the dining-room, but it was not necessary to take an extra man on to do that work, because the work could be easily cut up.

30. In what part of Australia does the award operate: it is within a twenty-five mile radius of Sydney?—Yes.

31. It does not apply to the country districts at all?—The day off is allowed in certain parts. Of course, I am speaking of the award which has been brought into operation in Sydney. It has been brought about purely between employer and employee without going to any Court at all. But the half-day was brought in under the Shops and Offices Act, and that applies to every hotel in New South Wales. Now they are bringing it about so that every place is to be brought under the award, giving the employee a full day and a half off per week.

32. Have you any knowledge as to how far labour legislation applies in New South Wales? Is it confined entirely to the County of Cumberland?—I could not say anything about that.

33. It does not apply to every district?—The half-day does.

34. The half-day applies to the whole of New South Wales?—Yes.

35. *Mr. Okey.*] Have you had any experience with regard to country hotels? How do they get on with respect to this Sunday work?—I have worked at different places during my travels, and I have been in the country districts. Sunday in the country hotels is not by any means a busy day. As a rule they are hardly doing anything in most places. There was no difficulty in getting the day off—no difficulty whatever.

36. What about the housework, the washing-up, and suchlike?—The second man would really have to come in and do the chef's work, and there is generally a man employed as a porter round the place who could always come in and do the washing-up.

37. But is not the law such that he cannot do that? Can the second cook do the chef's work?—If you are engaged as a second cook you can make that arrangement, I think, by agreement.

38. Where there is this housework, washing-up, &c., to be done, would difficulty arise in such cases?—At the large places in Australia there is a kitchenman. He does not do cook's work at all—if he does he has got to get a cook's salary; but, of course, in smaller houses they engage him as a cook, and there is nothing to say that a cook cannot wash up. There is nothing to stop

a cook washing up. Of course, they have to do it. They do it in New Zealand in dozens of places, and they are only too glad to do it. I would not stand back from washing a few plates and things like that. I am always ready to study the interests of my employer.

39. *Hon. Mr. Massey.*] What hours did you say were worked in Australia?—Sixty hours for cooks, sixty-three for kitchenmen, and fifty-eight for all other employees.

40. What are the hours in New Zealand?—I think sixty-two.

41. Sixty-two for all men?—Yes.

42. You think that, on the whole, conditions are easier in Australia than in New Zealand—I am speaking from the point of view of the employee?—Yes, they are.

43. How long were you in Australia?—Over two years.

44. *The Chairman.*] You spoke of the third hand as being a competent man, although he is not actually a cook. Do you suggest that he should receive the same wages as a cook?—No; but under present conditions the wages paid to the third hand in the kitchen are not really sufficient. He does not get sufficiently well paid, because he has to do the second cook's work when the second cook has got to do the chef's work, and when the second cook is off the kitchenman has to do his work again on top of that. You cannot get a good man for the wages paid, and the result is that the employers have great trouble in getting a good man. The inducement of the trade are not sufficient to keep him in the trade. They can find something better outside. I found the greatest difficulty in getting good men for kitchen-work.

45. If he took the second cook's place, the third man would have to be a competent man?—He should be a man capable of doing a second cook's work.

46. What you suggest really is, then, that if the man is unfit for anything else than washing dishes he should be thrown out altogether?—Oh, no.

47. You have just told us that he should be a competent man?—In a first-class hotel there is a man who has got to cook the vegetables and suchlike, and he has to prepare the potatoes and numerous other things like that. He has to get the material ready for the cook.

48. *Hon. Mr. Millar.*] Do you state that sixty hours were laid down in the award? You knocked off on the Friday night, and did not start again till the Monday morning?—Our week started on Sunday morning and finished up on Saturday night; but on every alternate week I got two days off, Saturday and Sunday, and also a half-holiday in each week. The stove cook and myself worked in conjunction.

49. You worked sixty hours one week?—Yes.

50. How many the next week?—I started on the Monday, and I finished up on the Saturday night, and had a half-day off as well during the week. I worked sixty hours.

51. And the next week you started on Monday morning and you knocked off on Friday night?—Yes; and I also had a half-holiday.

52. That is fifty-five hours?—Yes.

53. How did you put your sixty hours in in that week?—I had also worked on the previous Sunday.

54. *Mr. Anderson.*] Before the award was brought in in Australia did the Hotel Australia give the day off?—Yes, they always gave time off at the Hotel Australia.

55. Did they always work the employees six days a week?—Yes, that is why they got it adopted there.

56. In answer to Mr. Millar just now I understood you to say that you worked sixty hours a week. Did I understand you to say that your work started on the Sunday and ended on the Saturday?—Yes.

57. You started on Monday and finished off on Friday night: that is one week?—Yes.

58. Then you had two days off, Saturday and Sunday?—Yes.

59. Then you started the following week on the Monday morning and went on till the Saturday night?—That is so.

60. Then you started the next week on the Sunday morning and went on till Friday night?—That is so. That explains the difficulty.

61. *Mr. Long.*] You only worked on the average five and a half days a week?—That is right.

Declaration.

I, Edward Stewart, chef, of 68 Kent Terrace, Wellington, do make oath that an erroneous inference having been taken from my evidence given on the Shops and Offices Act Amendment Bill before the Labour Bills Committee on the 12th day of August, 1913, *re* the manner of working the daily hours in the Hotel Australia in Sydney, that the details of such working are as follows:—

	First Week.	Second Week.
Sunday	Whole holiday	10½ hours' work.
Monday	10½ hours' work	7½ ,, (half-holiday).
Tuesday	7½ ,, (half-holiday)	10½ ,,
Wednesday.. ..	10½ ,, ...	10½ ,,
Thursday	10½ ,, ...	10½ ,,
Friday	10½ ,, ...	10½ ,,
Saturday	10½ ,, ...	Whole holiday.
Total (less time off for meals)	60 hours.	60 hours.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1908. EDWARD STEWART.

Taken on oath before me, at Wellington, this 18th day of August, one thousand nine hundred and thirteen—Arthur Rosser, J.P.

J. W. COLEMAN examined. (No. 9.)

1. *The Chairman.*] Your full name?—Jonathan William Coleman, tobacconist and hairdresser, Auckland.

2. You wish to give evidence on the Shops and Offices Bill?—Yes.

3. Will you make a statement?—We see by the new Bill that tobacconists are not exempted as in the past. In the past tobacconists have been partly exempted, and that suited our trade very well. We have been working under it from the time the present Act came into force. Of course, what we really want is total exemption, similar to the hotels and restaurants. The hotels and restaurants to-day sell tobacco and cigars and cigarettes, and we would like to be put on the same footing as they are. It is hardly fair that they should be allowed to sell from 6 to 12 at night, as some of them do. Failing total exemption we would like to be allowed to remain as we are at present. We are working under a requisition. Our requisition has been in force now for about five years, and we find it to work first-class for all parties. It came into force on the 9th April, 1908, and that is what we have found most suitable for the tobacconists' trade and the hairdressers. If we have to close on Saturday afternoons the tobacconists and hairdressers will have a very bad time of it throughout the city, the suburbs, and the extended suburbs. I also see by the proposed Bill that our hours have been reduced from 9 o'clock as in the past until 8. That is a shortening of five hours a week for us. Of course, this shortening of hours is raising our rent all the time. Our landlords do not reduce our rent, but Parliament reduces our hours. I think that is all I have to say on the matter. Here are the requisitions, the hairdressers' requisition and the tobacconists' requisition. [Exhibits put in.] These requisitions were decided upon at a large meeting of both trades, and the result has been that working under these requisitions has been found very satisfactory. Of course, the trade operates differently in different centres. Our trade is quite different from that of Wellington or Christchurch. We have only got the one main street practically, then the suburbs, and the extended suburbs.

4. The petition which has been presented to us asks that there should be no exemptions at all—that tobacconists, hairdressers, hotels, and everybody should close on the same day?—We did not come here with the idea of closing up anybody. We came here to ask to be allowed to carry on our business as we have been doing under our requisition. Every trade knows what suits their business best. I do not know what suits drapers or hotelkeepers, but I know what suits our trade, and that is what I am speaking about.

5. Do you not think that the people who require tobacco and cigarettes, &c., could get them on the Friday night?—The position is this: we have a fair amount of outside trade, men working at Otahuhu and such outside places where there are large works. They would not come into town on a Friday night. Again, the casual smoker would not come into town on the Friday night as he does now on the Saturday just to get his tobacco. When he passes the shop on the Saturday night and thinks he would like a smoke he will go in and get it. The casual smoker means a very large proportion of the business. The regular smoker very often gets his tobacco from the stores. As a rule he smokes plug tobacco.

6. *Mr. Okey.*] What is your business?—Hairdresser and tobacconist. Our real business starts at 5 o'clock and lasts till 9 at night.

7. It would mean you would lose a good deal by closing from 8 to 9?—Yes.

8. *Hon. Mr. Massey.*] What you want, I think, Mr. Coleman, is that, in the event of Saturday being chosen as the half-holiday, you should, if so inclined, take another day instead of Saturday?—That is so.

9. Do I understand you to say that at present you are allowed to keep open on Saturday?—Yes. There is another matter I have forgotten. During December and January our requisition states that we can close at 10 o'clock. We have found that very useful for our business. During December and January there is generally a fair number of people in town, and there is a good deal of business to be done in that extra hour during those two months. I think if some of you gentlemen were tobacconists, as we are, you would say the same as we do, and you would drop the proposed Bill as quickly as you would drop anything.

10. You mean the provision that affects you?—Yes. What we really want is our requisition. We have found it work well in the past.

11. It studies the public?—Yes, it has studied them in the past. We have never had any complaints, and in the event of the Saturday half-holiday being decided upon we certainly want to be exempt. I think the Labour Department will bear me out when I say that there has been very little trouble under the Act, so far as our trade is concerned, in Auckland.

H. BOLITHO examined. (No. 10.)

1. *The Chairman.*] Your name?—Henry Bolitho.

2. Occupation and address?—Tobacconist and hairdresser, Auckland.

3. Will you make a statement?—Yes. The first thing I would like to bring under your attention is with respect to clause 2. This clause reads as follows: "'Hotel' means any premises in respect of which a publican's license is granted under the Licensing Act, 1908, and includes a private hotel and a private boardinghouse in which three or more persons (other than the occupier and the members of his family) are ordinarily employed; and 'restaurant' means any premises (other than a hotel) in which meals are provided and sold to the general public for consumption on the premises, and whether or not lodging is provided for hire for the accommodation of persons who desire to lodge therein, and includes a tea-room and an oyster-saloon." I would like to know what that really covers. You will note that towards the end of the clause it states "and whether or not lodging is provided for hire for the accommodation of persons who desire to lodge therein." I would like to know what that covers. Does it cover hotels, or restaurants, or both of them?

4. *Hon. Mr. Massey.*] Does it not cover restaurants only?—No, it does not do that. It comes under the definition of "hotel."

5. Is not that in the present Act?—There are no such words as "desire to lodge therein" in the old Act. That would appear to be an insertion. At any rate it is very vague, and would cover a wider interpretation. Then, again, in the case of the definition of "occupier," a little further down, there is no provision in it covering an auctioneer's license. His license will allow him to sell any article when all the other shops are closed.

6. Do you wish auctioneers included?—Yes.

7. *The Chairman.*] How about the man who sells furniture?—Yes, if he sells furniture he should close also.

8. *Hon. Mr. Massey.*] Does not the clause include auctioneers?—It may do so; but I think if it is stated on an auctioneer's license that he can sell at certain times, the license will carry.

9. There has been at least one decision on the point, and it has been ruled that this applies to auctioneers. It is exactly the same as in the old Act?—Well, it is worded a bit different this time.

10. No, it is worded exactly the same. Also, with regard to the clause respecting hotels and restaurants, the wording regarding the point you mentioned is exactly the same?—Well, according to that a man can go to a restaurant and, though "desiring to lodge therein," he need not stop there at all, and yet he can purchase goods there.

11. I will read the definition of "restaurant" as it appears in the present Act: "A 'restaurant' means any premises (other than a hotel) in which meals are provided and sold to the general public for consumption on the premises, and whether or not lodging is provided for hire for the accommodation of persons who desire to lodge therein, and includes a tea-room and an oyster-saloon." It is exactly the same?—Well, according to that a lodger, or an intending lodger, can get whatever he likes. Further down, under the definition of "shop," it states, "'Shop' means any building or place in which goods are kept or exposed or offered for sale, or in which any part of the business of the shop is conducted, and includes a hotel and a restaurant, but does not include a warehouse doing exclusively a wholesale business." Now, there is no definition of "wholesale business" in the Bill or the Act, and nowhere is "warehouse" defined. Then, with respect to clause 3, "Every shop shall be registered with an Inspector by the occupier or occupiers thereof in the name of the occupier or of one of the occupiers, and such registration shall not be altered except for some sufficient reason to the satisfaction of the Inspector." This clause is a very drastic one. It is making it a personal matter with the Inspector. Inspectors do not have all the same opinions and give the same rulings. Suppose a man wants to come to Wellington, as I have had to do to give evidence before this Committee, and has to leave suddenly; or supposing a man is taken sick at his home, how is he going to get hold of the Inspector?

12. *Mr. Davey.*] Is not there a place where you can register in Auckland?—Yes; but if you are away from your business for twenty-four hours you are liable to be fined. You cannot leave anybody in charge without going along to the Registrar.

13. *Hon. Mr. Massey.*] That has been in force?—I know it has been in force. I would be liable to be fined for being down here. I was fined once.

14. That is practically the law now?—Practically; but it wants altering in a new Shop Hours Bill, and I think it should be altered. I think there should be a limit of twenty-four hours. Twenty-four hours should be enough to give notice to the Inspector of anything that might happen urgently. If you give notice to the Inspector within twenty-four hours that ought to cover it. I do not think it should be left in the hands of the Inspector. That would be a bit drastic.

15. You think you should be able to leave your business for twenty-four hours without notifying the Inspector?—Yes, that is right. Then, under clause 5, subclause (4), *re* hours of employment, read in conjunction with the definition of "chemists" under subclause (5), should it not be necessary to mention the matter of examinations? The definition of a chemist reads as follows: "'Chemist' means a person whose business is to sell medicines, drugs, chemicals, herbal remedies, patent foods, surgical appliances, toilet requisites, or photographic requisites." You will notice there is the item "toilet requisites" included. Then when you come to the definition of a hairdresser, this reads as follows: "'Hairdresser' means a person whose business is to carry on hairdressing, or shaving, or to sell requisites for hairdressing or for shaving." Under the definition of chemist it states "toilet requisites," and under the definition of hairdresser it states "requisites for hairdressing or shaving." I would like to know where the line can be drawn.

16. It seems to me they overlap. There is some overlapping there, I think?—There would appear to be. Then, with reference to clause 17, subclause (*a*), you will notice that book-stall keepers are not defined anywhere in the Bill, and this has been always admitted as one of the flaws in the present Act, making the business a personal matter instead of the goods sold, and I think it wrong to mention in the Act any business without defining the same. Next I come to clause 18, with respect to holidays. Under this clause no provision is made for parliamentary by-elections. When the election of Auckland City East for a member to take the place of the late Frederick Baume, Esq., M.P., was held the shops on one side of the street had to close while the shops on the other side remained open, although many assistants had to get a holiday who had no votes in the electorate, and many who had votes had to work on the side that remained open. Now I would like you to look at clause 24, subclause (7). This is with respect to closing by requisition. It states, "It shall not be lawful for the occupier of any shop (other than a hotel or restaurant) in a district to which any requisition relates to sell or deliver goods of any description commonly sold in shops to which the requisition relates after the hour at which those shops are required to be closed pursuant to such requisition." You will notice that it does not define the hour of starting to sell or deliver goods; and also, when the clause is read in conjunction with clause 2, which contains the words, "of persons who desire to lodge therein," as I before

explained, it will in my opinion create a bit of an anomaly. Under this subclause it states, "It shall not be lawful for the occupier of any shop" to sell goods after the hour at which those shops are required to be closed, while under clause 2, goods can be sold at a restaurant to any man who may "desire to lodge therein" after those hours.

17. *Mr. Davey.*] Will you explain?—A man whose intention is to lodge there can be supplied, while the shop engaged in a particular business is closed, such as a tobacconist. At hotels or restaurants a man could be served at 6 in the morning, while the tobacconist cannot open till 8. His requisition says he must not start selling till 8, or whatever the case may be, while the other man is outside that requisition altogether.

18. You hold that if a man states when he goes to a restaurant that he proposes to lodge therein that they can sell tobacco to him or anything else?—Yes.

19. *Hon. Mr. Massey.*] I do not think that is so. "'Restaurant' means any premises (other than a hotel) in which meals are provided," &c. That does not give the right to the proprietor to sell goods?—Well, in that requisition of ours it distinctly states the hours we must open and close, while at the hotels and restaurants they can practically sell cigars and cigarettes at any time. And the same thing applies to clause 32.

20. Naturally, if a man is living in a hotel he can get a cigar or cigarettes, but if the proprietor sells to an outsider he is breaking the law?—Yes, but how are you going to get a conviction? Who is going to lay the information? Who is going to prove that he is not a lodger? Who is going to turn himself into an informer? I do not think there is anything more I have to add, but I would like to endorse what Mr. Coleman has said with regard to our requisition. That is a thing we really want protecting.

21. You agree with the views expressed by Mr. Coleman?—Yes. There is another matter I had forgotten. I hope that chemists will not be allowed to remain open for the two hours on their half-holiday. In the old Act it states that they can do so, but in the new Bill it is not mentioned.

In my evidence this morning I overlooked to mention an item not provided for in the proposed Shops and Offices Bill. The item in question is fishing tackle. I intended to state that fishing tackle was stocked in great numbers of tobacconists' shops in localities where fishing was carried on, and was sold practically for only three months of the year. So with the consent of the Chairman and members of the Labour Bills Committee I should like the suggestion that special privileges should be allowed the sale of fishing tackle.

TUESDAY, 12TH AUGUST, 1913.

WILLIAM GALLOWAY examined. (No. 11.)

1. *Mr. Davey* (Acting-Chairman).] What are you?—Chef at the People's Palace, Wellington.

2. Will you state in your own way what you wish to bring before the Committee?—I have been chef at the People's Palace for two years. The staff there consists of twenty-one altogether. Since 1910 the females have been getting one day off per week, and the men have been getting one day off per week since last November. In the kitchen I work my scullery man five days and a half every week. The third cook I work six days a week. The second cook I work six days one week and five days and a half the next week. And the same with myself—I work five days and a half one week and six days the next. There are four of us in the kitchen, and if we did not have the day off I think for the best part of the year there would be four in the kitchen just the same. The place is doing a very big trade.

3. Is there any other statement you wish to make?—Since we had the day off there has been no hitch; the arrangement has worked very satisfactorily. There has been no trouble whatever.

4. I do not quite understand what you are suggesting. Do you mean to say that you think there is no necessity for the provisions in the present amending Bill—that the present condition is all that could be desired?—I do not know the Bill.

5. *Hon. Mr. Massey.*] Under the present system how many hours per week do you work?—Fifty-eight hours a week.

6. Are you speaking generally or for yourself?—Generally, for the male department. The females work fifty-two hours and the males fifty-eight.

7. Under the previous system—before the alteration was made to six days a week—what were the hours worked per week?—Sixty-two hours per week.

8. What has happened has been really a reduction of four hours?—Yes.

9. *Mr. Veitch.*] The People's Palace is not a licensed house, is it?—It is a private hotel.

10. A temperance hotel?—Yes.

11. How do you arrange for the days off?—I arrange in this way: Take myself—the evening before my day off I generally prepare little things that I can get ready for the second cook, and the second cook takes my place while I am off. Then the third cook takes the second cook's place, and so on.

12. Notwithstanding the fact that the staff get a day off every week, you have been able to compete and carry on your business successfully?—That is so.

13. *Hon. Mr. Massey.*] How are the wages as compared with those paid at other establishments?—I get £3 15s.; the second cook gets £2 5s.; the third cook £1 7s. 6d.; and the scullery-man £1 5s.

14. *Mr. Veitch.*] That is, with board and lodging?—Yes. On the day off we get our meals just the same

15. *Mr. Long.*] At the People's Palace you are working under an award, are you not? You are bound by the private hotel's award, are you not?—Yes.

16. The wages that are paid at the People's Palace are similar to those paid in the licensed hotels in Wellington?—Yes, according to the number of hands in the kitchen.

17. What is the tariff there?—5s. a day.

18. You were there prior to the giving of the full day off?—Yes

19. How many hands did you have in the kitchen then?—Four.

20. There has been no increase in the kitchen staff since you started to get the full-day holiday?—No; but we might have put one hand off in the slack time, but it has not been slack.

21. There have been four hands during the whole of the summer, at any rate?—Yes, for the past eight months in the year.

22. *Mr. Davey.*] Could you tell me whether the new arrangement has affected any other part of the hotel—say, the housemaids, &c.? Has more labour had to be put on?—I could not say.

23. You do not know anything about that part of the hotel?—No.

ALEXANDER CROSKERY, Secretary, Wellington Drapers' Union, made a statement and was examined. (No. 12.)

Witness: I am secretary of the Wellington Drapers' Union, and I appear on behalf of the Wanganui Drapers' Union as well. I should like to ask, to start with, that this Shops and Offices Act should come into force on the 1st January, 1914, instead of the 1st April, 1914.

1. *Mr. Davey* (Acting-Chairman).] Does your evidence affect the drapery trade generally?—Yes; the whole of the drapers' assistants in Wellington and Wanganui. With regard to clause 1, subclause (*c*), "The hours of his employment during each week," we would like that to read "The daily hours of his employment during each week, and that the starting and finishing time be entered daily." This affects us slightly. It affects the drivers, I understand, more. We are asking for a similar thing so that we shall know the hours we are working. Then I go on to subclause (*d*), "The wages paid to him in respect of each week; and." There is a little question here. We ask the Committee to consider the proposition of putting in after the word "wages," the words "premiums, bonuses, and commissions paid to him in respect of each week." I should like to explain the reason why we are asking for the words "premiums, bonuses, and commissions" to be put in. Last November the soft-goods assistants in Wellington got an award of the Arbitration Court relating to wages, &c., and since that has come in one house in Wellington that was paying men £2 5s. per week prior to the award coming into force is still paying the £2 5s., though the Arbitration Court award says that the men shall receive £2 15s. These men are receiving premiums on goods sold. If the premium comes to 10s. a week that premium is added to the wages of £2 5s. to make up the minimum wage of £2 15s. So these men have not received any increase. They have had their premiums deducted and shifted on to the wages they were being paid at the time they gave evidence—£2 5s.—to make up the £2 15s. If they make 15s. in premiums the extra 5s. is put on to the next week. It is shifted about from one week to the other, so that they never receive the premiums at all; these are put on to make up the minimum wage. We have no manner in which we can rectify this unless something is put into the Shops and Offices Act to regulate the matter. I have approached several of the Inspectors in the Labour Department and discussed the matter with them, and they told me it was rather peculiar but that we could do nothing as the law stood at present. We think it would be perfectly fair if the words "premiums, bonuses, and commissions" were put in, and then we should know where we stood: our men would get their minimum wage as prescribed by the award, plus the premiums or bonuses, which the employers would not be allowed to interfere with.

2. The employers might stop those, then, might they not?—We would prefer that they did; but we do not want them to interfere with them. Now, with regard to subclause (2) of clause 4, we would like to see all the words deleted after "wages" in the second line of the subclause. Our contention is that no assistant should be held responsible for the correctness of the employer's statements in his book. Females and juveniles especially would be very reluctant to dispute or refuse to sign an incorrect statement. We think that the provision in the old Act is better than the provision here. We think it would be much better if the words were deleted, and the employer made the one to certify to the correctness of the statements in his own books. Besides, it leaves it open for unprincipled people to conspire to defeat the Act. Clause 5, subclause (*a*), "after half past nine o'clock in the evening": This is an extension of half an hour on the present Shops and Offices Act. For what reason it is made we are unable to understand. We contend that—especially for females, who are employed more in fruiterers' shops and confectioners' shops—9 o'clock is quite late enough, without increasing the hours.

3. *Hon. Mr. Massey.*] On whose behalf are you speaking now?—On behalf of the females employed in the confectioners' and fruiterers' shops.

4. But do you officially represent them here?—No. We are only speaking on behalf of the shop-assistants' industrial unions.

5. You are speaking unofficially?—Yes, on that score. There is one point I find I have missed. Clause 5, subclause (1), "Subject to the provisions of this Act and to any award of the Arbitration Court": Some doubt is felt here that if these words were included the Court might, if it had power to award hours, &c., in some trades, extend those hours over a period, and although not greater than the number of hours provided in the Act, they might be more broken, and consequently longer from the time of starting to the time of finishing. I would suggest that the matter be provided for as follows: "In the event of an industrial union of workers"—I put this in because I believe the Shops and Offices Act is principally to provide for trades which are not working under awards of the Arbitration Court—"In the event of an industrial union of workers applying to

the Court for an award, if such union request the Court to provide hours, overtime, holidays, payment of wages, &c., in its award, the Court shall award such conditions, provided that they do 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 in this Act "—in clause 5 (*b*) and clause 8 (*a*). "Upon provision being made by the Court in any award for any matter contained in this Act, such trade shall be released from the operations of this Act in so far as the award provides." There is just one matter here. I do not know whether it really has much reference to the Shops and Offices Act or not. I suppose it is obvious to members that there is nothing in the Industrial Conciliation and Arbitration Act which allows the Court the privilege of providing for fair conditions between employers. I refer to this matter particularly to point out what I mean. Some of the drapery shops in Wellington having as many as seven and eight assistants remain open every night of the week till 9 p.m. Now, the other shopkeepers—Kirkcaldie and Stains, the D.I.C., and those big houses—are compelled to comply with the conditions of an award of the Court and pay the wages, and they are unable to keep open till 9 o'clock, mainly on account of the size of their premises. Yet another employer keeps open, and he, I contend, ought to close if he can afford to employ eight assistants. If we could regulate the hours when a shop should open and when it should close in an award of the Arbitration Court, that would be a regulation as between employer and employer, and we could protect both the large man and the small man. The Shops and Offices Act regulates it to a certain degree by providing that certain shops have to close at certain hours and that certain shops may open at certain hours. But if an industrial organization is getting benefits from the employers, it seems to me to be fair that the employers should all be put on the same footing, provided that that footing is discussed in the Arbitration Court and thought to be fair. We do not see any difficulty in arriving at a satisfactory issue if we had the legislative power to do so, but under the present system we have no such power. Clause 5, subclause (*b*): Our union discussed this matter very fully, and Mr. Humphreys and I have been sent here to ask that "one o'clock" be deleted and "twelve o'clock" substituted, thus making the half-holiday commence at 12 o'clock. We submit that 12 o'clock is the time in all other trades. Wanganui shopkeepers have for some years been closing at 12 o'clock.

6. *Mr. Veitch.*] By mutual arrangement?—Yes. When I was up in Wanganui last in connection with the drapers' dispute there, Mr. McNiven, the manager of Paul and Co., informed me that it worked splendidly and there was no hardship on either side. I understand that in Feilding, Dannevirke, and Palmerston North they also close at 12 o'clock. With reference to 6-o'clock closing, I would just like to say that quite recently a number of employers in Napier tried very hard to get the hour reduced to 5.30, which is an indication that a reduction here would be appreciated by the employers and the employees alike.

7. *Mr. Davey.*] You say the employers tried to get it done?—Yes, in Napier. In Dannevirke they already close at 5.30, and in Feilding at 5 p.m. This is information that I have received from some of our members. With regard to the late night and keeping open then till 9 p.m., we would like to see this done away with altogether. We feel sure that, as in the case of the half-holiday, things would soon right themselves. I am referring to the half-holiday question of some years ago when Wednesday was made the half-holiday. However, if it is considered a little premature to bring about this abolition of the late night, we would respectfully suggest that the hour could easily be reduced to 8 o'clock without causing any inconvenience to any one. Our experience, and the evidence of the assistants working in the soft-goods houses in this city, is that there is no business done whatever between 5.30 p.m. and 8 p.m. on the late night, most of the people leaving their shopping till between 8 and 9 p.m., simply because they know that the shops close at 9 o'clock. If 8 o'clock were made the hour of closing we feel sure no one would suffer, as the public would use themselves to the change very quickly. This has proved to be the case with the butchers, who now close at 7 p.m. sharp in place of 9 o'clock as formerly.

8. *Mr. Anderson.*] Is that on the late night?—Yes. In the butchery trade, I may say, the goods are perishable, while our stuff can hang about from one day to another. There is nothing very perishable about it. It is simply a matter of bringing ours into line with these other trades. We contend that it would be an enormous advantage to the thousands of shop-assistants in this Dominion who work eleven hours on this day and are away from home for fifteen hours at a stretch. I was informed by the shop-walker in one house the other day that some of the girls were away for seventeen hours, taking the time they left home in the morning till they got back at night. But, as I said to him, that was mainly due to the place where they lived; they lived out at Upper or Lower Hutt, and could not catch the trains.

9. *Mr. Veitch.*] Apart from that altogether, what is the total stretch of time from when they go on in the morning till when they come off at night?—Thirteen hours, with the time off—that is, on the late day. Subclause (3) of clause 5: "For the purposes of this section every person engaged in or about the business of a shop other than the person," &c. We wish to ask that the words "and the members of his or her family" be deleted. We do not object to a struggling shopkeeper or his wife being allowed to serve in order to carry on their business if they are there by themselves; but we have cases in Wellington where shopkeepers have the whole of their family back. There is one man in Cuba Street, I think, who has three daughters back at night-time. He carries on a big business every night of the week, and the other shopkeepers, who are compelled by an award of the Court to comply with certain conditions, are handicapped by this—that this man can bring his wife and three daughters back. There are five of them serving in the shop at night-time

10. *Mr. Anderson.*] Do they keep open after 6 o'clock?—They keep open till 9 every night in the week. If we could fix conditions between employer and employer in the Arbitration Court we would be able to settle that business.

11. *Mr. Hindmarsh.*] How would the clause read if you scratched out only those words?—"The wife or husband of that person, as the case may be, shall, while the shop is opened for business, be deemed to be a shop-assistant."

12. But are not these others included in the clause in order to render the Act operative in regard to them in spite of its restrictions?—No. I understand that this clause exempts the wife and the husband and the members of the family. I said that it was not an exempting clause, but I am led to understand that it is. I thought that it was the original clause that Mr. Seddon brought in some years ago, and all the dispute was over, but they tell me it is not—that it exempts these people.

13. *Hon. Mr. Massey.*] That is so, but it is the law now. We are not altering anything here?—That is so. We simply ask that "and the members of his or her family" be struck out. Now, with regard to clause 7, we wish to have added here, "Provided that no shop-assistant shall be called upon to work two late nights in one week." Should New Year's Eve or Christmas Day fall on Monday and the late night be observed on the Saturday preceding "till 11 p.m.," then on the Monday the assistants should get away at 6 p.m., otherwise they are compelled to work two late nights in the one week, with only Sunday in between. I think the Committee will see that this is a pretty stiff stretch, especially for females. They work up till 11 o'clock on the Saturday night preceding Christmas Eve. They get away for Sunday. On the Monday they work again till 11 o'clock at night, and they get no overtime—no compensation at all for these extra hours. And they work till 11 o'clock again the following Saturday.

14. *Mr. Hindmarsh.*] If they had worked late on the Monday would they?—Yes. Here is the position: If Monday is Christmas Eve, on the Saturday before the Monday they work till 11 o'clock. Then they work on the Monday as well till 11 o'clock

15. But they work late on the following Saturday?—Yes, till 11 o'clock; it is the Saturday before New Year's Day. Then they work on New Year's Eve till 11 o'clock. We say that it is an injustice to these men and women shop-assistants that they should be called upon to work two late nights till 11 o'clock. The employers get all the benefit of the extra trade; they do not want the assistants there except to do the extra volume of business. The assistants get no overtime for it.

16. *Hon. Mr. Massey.*] You start with Christmas Day: that is a holiday, is it not?—Yes.

17. And Boxing Day is a holiday?—Yes.

18. And is not the day after Boxing Day a holiday as well?—No.

19. You are speaking of Wellington. I think it is a holiday in Auckland?—We tried very hard to get the day following Boxing Day and the day following New Year's Day. The Wanganui Union agreed with the drapery employers to work on the Saturday preceding Christmas Eve till 11 o'clock, provided the employers would give them the day after New Year's Day off, and they did so; but we could not get it here. We got nothing extra here at all.

20. I am pretty certain that they get the day after New Year's Day in Auckland?—I am sure they do.

21. *Mr. Davey.*] There is no law on the subject?—No. It is custom. If the Committee do not think fit to alter this and they put in the extra holidays, we have no objection to the extra holidays, but at the same time we consider that if our people are called upon to work extra time, which means extra gain for the shopkeeper, we ought surely to get some recompense for it.

22. *Mr. Anderson.*] Would this extra day meet all your requirements?—I think so, if the Committee would give us an extra holiday. We want to be fair with the shopkeepers. We know there are special occasions when a shopkeeper can get more money in, and we want to help him then; but we want to get something in return for it. At the present time we get nothing. Now I come to clause 8, subclause (*a*): "For more than fifty-two hours, excluding meal-times, in any one week." We are sent here to ask, as I said before, for the abolition of the long night and for 12-o'clock closing on the half-holiday. If the Committee are unable to see their way to recommend the reductions we would suggest that fifty hours be inserted in place of fifty-two. In support of this we would point out that in most of the Australian awards the hours have all been reduced to fifty and less. These awards cover drapers, clothiers, ironmongers, boot and shoe shops. Those are the ones I am sure of. The reducing of the hours could be brought about by 12-o'clock closing on the half-holiday and by closing at 8 p.m. on the late night, or by giving those assistants who work fifty-two hours an extra half-hour per day off during some portion of the day. We would much prefer to see 12-o'clock closing brought into force and 8 o'clock fixed as the hour on the late night. Clause 8, subclause (3): We prefer the clause in the old Act relating to overtime, and do not consider it a fair proposal that an assistant should be called back without notice, as in many cases arrangements have previously been made to go out for the evening, and so on.

23. *Mr. Hindmarsh.*] They can bring the assistants back for thirty days, I see?—The present Act provides that they have to apply to the Labour Department and get the written consent of the Inspector. That consent has to be obtained before 4 p.m., which means that we get two hours' notice. It means that we get notice at 4 o'clock or before 4 o'clock that we shall be required back that night.

24. How often do they stock-take in these places?—Twice in the year in some houses, once in others. The Court has gone so far as to award that twelve hours' notice shall be given, or in lieu thereof 1s. tea-money. I am referring to the tailoresses' award. I may say that the employers' assessors in the drapery-trade dispute in this city agreed in the Conciliation Council to give their employees two hours' notice at the very least. This was an agreement with the employers when our dispute was before the Conciliation Council. We asked for twenty-four hours' notice of overtime. They agreed that they would give us two hours. The reason for that was that they had to inform the Labour Department before 4 o'clock, and they said they would willingly let us know so that we might send messages home if we had made appointments.

25. *Hon. Mr. Massey.*] You say there is an alteration here in subclause (3) as compared with the present law?—That is so.

26. Will you kindly point it out again?—The alteration is this: under this Bill they do not have to get the written consent of the Inspector of Factories.

27. I think you are making a mistake. Are you not thinking of the provision in subclause (4) regarding male assistants under the age of sixteen?—No; the written consent of the Inspector was always obtained with reference to anybody before. It did not matter what wages a person was in receipt of, they had to apply to the Labour Department for permission to work that person overtime. That is taken out of the Bill, and they do not have to apply to the Labour Department except for people under the age of sixteen or females. We want such a provision inserted.

28. *Mr. Davey.*] The provision has been omitted from this Bill?—Yes.

29. Does it state so in the repeals?—Yes. We submit, sir, that the words should be added in subclause (3) of clause 8 "with the previous written consent of the Inspector." It means that we shall get two hours' notice.

30. *Mr. Hindmarsh.*] Would it not be better if you said that two hours' notice shall be given?—It would be better if you put twelve hours. We contend that we should receive reasonable notice. We say that the old section was a long way superior to this clause. We would suggest that the Committee provide that the employers shall let us know at dinner-time that they will require us to work overtime.

31. *Mr. Anderson.*] How could the employer in all cases do that?—How does he notify them now?

32. What I mean is this: an employer finds late in the day that it is necessary for him to have his employees back at night, and he gets the consent of the Inspector. Under those circumstances how can he give them twelve hours' notice?—I have worked in drapery shops all my life, and I can state that the employer does not find out late in the day that he will require to have his assistants back at night-time. I know employers in this town who have come to assistants at five minutes to 6 and put work on to them which they could not reasonably do in half an hour, and kept them there till twenty minutes past 6. That is where they dodge it. We are not up against the good employer: it is those fellows that do not toe the line. When our union came into existence there were employers keeping their assistants till half past nine every Saturday night, and until we got on to the Labour Department nothing was done. It is mentioned in the memorandum that this clause is for the purpose of bringing the law into line with the corresponding provisions in section 24, subsection (1) of the Factories Act, 1908. I would suggest that no assistant be allowed to work more than two nights' overtime without an interval of one night, as provided for in the Factories Act regarding overtime. With reference to subclause (5) of clause 8, "Every shop-assistant employed during extended hours shall be paid therefor at half as much again as the ordinary rate, but the overtime rate shall not be less than sixpence an hour for those assistants whose ordinary wages do not exceed ten shillings a week, nor less than ninepence an hour for all other assistants so employed, and shall be paid at the first regular pay-day thereafter": A clause should be inserted here to state what the ordinary rate is. The reason is this: Our shop-assistants in the majority of cases work forty-five hours a week. Some of them work fifty-two. A shop-assistant working forty-five hours per week—we will say that he is getting 45s. a week—that gives 1s. an hour. If he is away sick that 1s. per hour is deducted from his salary for the time he is away. Now, if that same man works three hours overtime, to assess the overtime that 45s. is divided by fifty-two as the number of hours, fifty-two hours being the full time allowed by the Act. We do not care which way it is done, but we say that if you are going to divide a man's weekly wage by forty-five in respect of his absence when sick, be fair and divide his wage by forty-five in order to assess his overtime payment; or, if you assess his overtime payment on the basis of fifty-two hours, that should also be the basis for deduction from his wages.

33. *Mr. Davey.*] Is that done by everybody—what you say is done?—Pretty well every retail house in Wellington. I have worked it out here roughly to show what it means. Take as an example an assistant working forty-five hours and receiving the minimum wage prescribed by our award—£2 15s. If he were away he would have 1s. 2¾d. an hour deducted from his salary, the £2 15s. being divided by forty-five. But if he were required to work overtime his £2 15s. would be divided by fifty-two—the number of hours allowed to be worked by the Act—and this would make his overtime rate 1s. 0¾d. an hour. In other words, he would lose, roughly, 3d. an hour. As I say, we do not care which way you make it so long as there is uniformity. We submit respectfully that a clause should be put in there defining what hours overtime shall be based on, and what hours sick or absent deduction should be based on.

34. *Hon. Mr. Massey.*] Have you any objection to mentioning the firms who follow the practice that you refer to?—When I worked for George and Kersley in Wellington that was the basis. Mr. Humphreys, the president of the union, will tell you of houses he has worked in where that is the system. With regard to the provision to subclause (5) of clause 8, "Provided that no payment for such extended hours as aforesaid shall be made to any shop-assistant whose wages are or exceed two hundred pounds per annum," we contend that this is grossly unfair, as since our award came into operation these assistants have had their sick-pay and annual leave stopped in most cases, which is a distinct loss, and if required to work overtime they should receive pay for it, as is the case in all other trades, such as engineering, when men are paid as much as the higher-salaried people in the drapery houses.

35. *Mr. Hindmarsh.*] What rate of overtime do you suggest?—Time and a half, the same as the others receive. We submit that this proviso should be deleted. It is a fair thing that if an employee is required to work overtime he should receive something extra for the extended hours.

With regard to clause 9, we submit that provision should be made in this clause for an interval of at least five minutes for females to obtain refreshment.

36. In what line of the clause?—I think it would need to be a new clause. Provision should be made that each employer should allow his female assistants to obtain refreshment morning and afternoon.

37. What sort of refreshment could they get in five minutes?—One of the juniors can go and boil a kettle and they can go and have a cup of tea. It does not take five minutes to drink a cup of tea. I proposed to one of the employers here that he should allow his female assistants to have a certain time off in which to get something warm to drink, and he said he would be very pleased to discuss the matter with me and he thought we could fix it up satisfactorily. These girls are standing about there behind a cold counter and perhaps there is not a soul about. As a matter of fact, they do it now in an underhand way. Some of them get the sack for it now if they are caught. We want the law to say that these people shall have some chance of getting refreshment.

38. It is only for women that you want it?—Yes, for women. If such provision is not made females dining between 12 and 1 o'clock have practically a stretch of six hours without refreshment. The extra hour here represents the time spent in going home. Clause 10, subclause (*a*): We wish to ask you to delete this provision and substitute the following words: "A seat shall be provided for each female employed." It is most necessary that this subclause should be altered, otherwise it is quite useless. This provision has been in the Act for some years and has never been of any value to the female assistants in Wellington, as seating-accommodation has never been provided in this city. We have to go to Wanganui and Auckland to find this provision administered in accordance with the intention of the Legislature. In Wanganui the Inspector notified shopkeepers that each female would have to be provided with a seat. Quite recently when I was in that town the manager of one of the largest establishments invited me to call upon him and see the seats which had been provided. It is patent, however, that when only two towns in New Zealand have put this clause into operation it requires material alteration to be of any value to those whom it is intended to benefit.

39. Is it not the fault of the Labour Department and not of the Act?—It says, "to the satisfaction of the Inspector." You cannot get these Inspectors to do anything: that is the trouble. I have been in communication with the Labour Department now for several months. I got a reply the other day to say that the seating-accommodation in Wellington is to the satisfaction of the Inspector, and I defy the Labour Department to go to one shop in Wellington and show me where there is a seat provided. Out of the whole of the drapery establishments there is not a seat provided. As far as Auckland is concerned, Court Bros., Smith and Caughey, Milne and Choyce, John Court—all have permanent seats for each girl—permanent fixtures. And the Wanganui employers have all provided seats for every girl. I pointed out to the Labour Department some time ago that the employers turn round and say, "The girls can take the seats from the front of the counter." I leave it to you to say whether any girl will avail herself of the opportunity of going and taking a chair that is put there for customers, when the shop-walker is walking about and saying, "What are you doing there?" Unless seats are provided the provision is no good at all.

40. You are seriously indicting the Labour Department?—I cannot help that. I am not saying anything against the Department. I dare say they are doing what is required according to their way of thinking. In Wanganui the Inspector says to the shopkeepers, "You have got to provide a seat for these girls." How is it that the Wellington men will not do it? The girls come along to me and ask, "What is the good of this union? We cannot get seats. Our bosses will not let us sit down." I go to the Inspector and he says, "I went into the house that you told me about and asked the girls, and they said that they get plenty of seats." Of course, they say this because the boss is there. The same girls come to me and say, "This is a rotten show. How is it you cannot get the Inspector to do it?" We have the evidence of a number of male and female assistants from Home, who state that at Home it is absolutely compulsory to supply females with seats. When it is compulsory in England for employers to supply seats we feel that our request cannot be considered as out of the way. Clause 11, subclause (*c*), providing that wages shall be paid weekly or fortnightly: I want to put it to the Committee in this way: the Labour Department, or whoever drew up this Bill, has decreased the number of days of default to seven. The old Act said that wages shall be paid weekly or fortnightly. Then there was another clause lower down which said that if an employer makes default for fourteen days, &c. Here is the position: Our employers pay in the majority of cases fortnightly, but if one of those employers liked he could pay monthly. You will probably say, No. I have said No. But the Labour Department say Yes. Mr. Justice Sim in the Arbitration Court says No. So that we are between the Labour Department on the one side and Mr. Justice Sim on the other, and we do not know where we are. We are quite prepared to admit that an employer may make a slip, and that this subclause (*d*) providing for seven days' default was put in so that if the employer did make a slip it would allow him sufficient time to get over it without being summoned. We are not out to summon people. There is only one firm in Wellington, and that is Kirkcaldie and Stains, that takes advantage of this provision regarding default in the Act. We say that if you will make that first clause to read that payment shall be made in full weekly, and then you leave the other, it permits of their paying fortnightly. Either that, or take out the default altogether. In Kirkcaldie and Stains's the assistants only get paid once every three weeks. This is probably an attempt on the part of the Labour Department to rectify the matter. I have, I think, submitted the matter to Mr. Rowley many times. The position we are in is this: we write to the Department that Kirkcaldie and Stains are committing a breach of the Act. The Department write back and say that according to the Crown Law Office's opinion they are not. We go along

to the Conciliation Council and get the employers to agree that wages shall be paid weekly or fortnightly, and we go to the Court to get that agreement made into an award of the Court, and Mr. Justice Sim turns round and says, "What have you got this in here for? I cannot allow you to put anything in here that is in the Shops and Offices Act." We say to him, "We are in this position: you tell us that you interpret the Shops and Offices Act to mean that an employer commits a breach unless he pays weekly or fortnightly. The Labour Department tell us that the Crown Law Office's opinion is that these people do not commit a breach, and we are between the devil and the deep blue sea." The Labour Department on the one hand administer the clause according to their reading of it, and Mr. Justice Sim sticks to his reading and refuses to have a clause put into the award of the Court, although the employers agree to it. We think it is unfair and unreasonable, and can be altered without doing any injustice to the other side.

41. *Mr. Clark.*] You say that Kirkcaldie and Stains pay every three weeks?—Yes.

42. Supposing a man starts on the 1st of the month: his wages would be due on the 14th?—Yes.

43. And they take another seven days?—Yes.

44. It would be the 21st when he got paid?—Yes.

45. When would he get the next payment?—They take it as a fortnight, and then they say that between each fortnight they have fourteen days' grace. Take the question you have asked me: the first fortnight would be to the 14th; then seven days' grace. After that seven days another fortnight, and then seven days' grace.

46. *Mr. Veitch.*] It would be three weeks' wages at one time?—Three weeks' wages at one time.

47. *Mr. Davey.*] They always pay three weeks?—Yes.

48. Then they can do it?—According to the Labour Department they can. This is what we ask with regard to clause 11: wages shall be paid weekly or fortnightly, as agreed upon in writing, and that subclause (*d*) be deleted altogether.

49. You do not want to delete the penalty altogether?—We want something put in here that will not allow them to evade the provision requiring payment at not more than fortnightly intervals. We leave it to the Committee to make it so that no hardship will be inflicted on the employer or the employee, but that we shall get our wages weekly or fortnightly, and that there shall be no getting over it.

50. *Hon. Mr. Massey.*] Are the employees as a whole satisfied with fortnightly payments?—Yes, employees and employers. The D.I.C., which is a big house, pay all their hands weekly. There is no hardship on the employers. We submit that it is fair that Kirkcaldie and Stains should be asked to pay fortnightly.

51. *Mr. Anderson.*] Why do not all of them pay weekly?—Because the Legislature allows them to do what they like. If you put a clause in providing that they shall pay weekly, they will pay weekly without any bother. As long as ever this thing goes on they will not do it. What I have just explained proves that some employers will take advantage of anything that is in the Act.

52. Some employers?—Yes, exactly.

53. *Mr. Davey.*] Are there any other houses that pay once a week besides the D.I.C.?—Te Aro House pay their staff half one week and half another. Veitch and Allan pay once a week, I think. George and Kersley pay fortnightly. We wish to ask the Committee to insert a clause to prevent employers from holding any wages in hand.

54. How do you mean? Holding wages in hand would be avoided if they paid weekly, would it not?—Yes. I have explained the Kirkcaldie and Stains incident—how they get over the fortnightly payment. Other employers get over it in precisely the same manner. A man starts on the 1st of the month and works till the 14th, but he does not get paid till the 21st. Then he receives a fortnight's salary—that is, pay from the 1st to the 14th. Pay for the week from the 14th to the 21st is kept in hand. They keep a week's wages in hand.

55. They always have a week's pay in hand?—Yes.

56. *Mr. Hindmarsh.*] If you allow an employer seven days' grace he will always have a week's pay in hand?—Well, make it weekly, and that will settle the whole matter. It does not matter what you put in so long as you insert something to provide that no employer shall be entitled to keep any of his assistants' wages. Then he will not be able to do it, because the Department will see to it then. We have perfect faith in the Department so long as the thing is plain. We object to an assistant working and a week's wages being kept in hand all the time. When I was in George and Kersley's they started a new system of paying, and they kept three days' pay in hand. With regard to clause 14, subclause (2), we consider that 5 per cent. of the electors should be ample, and we think that all the words after "persons" in the sixth line should be deleted and these words added: "whose names are on the main and supplementary rolls which are to be used at the election at which it is proposed to hold the poll." A clear provision of this description is absolutely necessary to avoid any misunderstanding such as occurred here this year. We object to any proposal which will further hamper the obtaining of the required number of signatures, which at the present time is quite difficult enough to secure. I did a good deal in connection with it the last time, when we were defeated. We secured seven thousand signatures. This question is wrapped up with the Municipal Corporations Act. There was the old roll. The old roll had thirty-three thousand names on it, and off that old roll they struck seven thousand electors, and the Mayor certified to that roll as being the new roll for that coming election. Now, that had seven thousand names struck off it for some reason or other. That was the roll that the seven thousand signatures that we put in as affidavits demanding a poll were checked off, and we submit that there was a big majority of those people who signed our petition asking for a poll to be taken. We enrolled about three or four thousand people for the municipal election here last year. Is it not a fair proposition that if a man signs his signature to an enrolment form

to vote at an election that man's signature should be valid on a requisition for a poll to be taken, as he is allowed to vote at it? If a man signs a petition to become an elector in a town surely that man's signature should be good, when you have got to take the signature for the roll. We submit that this is a very easy way to get over it: "For the purposes of this subsection the electors shall be deemed to be the persons whose names are on the main and supplementary rolls which are to be used at the election at which the poll is to be decided."

57. *Hon. Mr. Massey.*] No. What you want to get at is the names of the electors whose names are on the main and supplementary rolls at the time of the signing of such requisition?—There is no supplementary roll.

58. How are you going to get it if it is not issued?—We only want it for the check. We do not want it for the issue. When we come along with our petition we say, "Here are our seven thousand signatures." They remain with the Town Clerk until he has time to check them. How long has the supplementary roll got to be out before the election?

59. *Mr. Hindmarsh.*] A month, I think?—If it has got to be out a month before, we submit it will be fair if you make it that the signatures shall be checked on the main roll, which is the old roll of the last election with the defaulters struck off, and the new supplementary roll containing the names of people who have asked to be allowed to vote.

60. The way to put it is this: if one-seventh of the people entitled to vote—actually on the roll—sign the petition——?—It is not sufficient, for this reason: that was very similar last time, and they contended that our petition had to be in thirty days before the poll was to be taken. A supplementary roll was not issued until just after our petition was put in. Then the contention came through the Municipal Corporations Act as to which roll these names should be checked off. We say that if a person is going to vote at that election his signature should be valid on this petition. We say that if you insert the words "on the main and supplementary rolls which are to be used at that election" there is no avoiding it.

61. That is what I said—it should be one-seventh of the people on the rolls?—Five per cent., we say. Clause 17: I have asked previously for 12 o'clock to be the hour of closing on the half-holiday. I would just make the remark that this clause would require to be altered in that case. Clause 18, subclauses (*a*) and (*c*): This clause proposes to re-enact what has been the law for some years—that if a shop-assistant has a holiday in a week he shall not be entitled to his regular holiday. We trust that subclauses (*a*) and (*c*) will be deleted. In nearly all other countries shop-assistants do not lose their half-holiday because another holiday has taken place in the same week. Under the Saturday Half-holiday Act in Sydney the shop-assistants still retain their regular half-holiday, no matter how many holidays occur in the same week. We consider that the same state of affairs should apply to us in this Dominion, and it could be so without any inconvenience, as no business is ever done when the shops are open on the ordinary half-holiday as at present. I think you will find that the drapery employers will back me up in this contention, that it is a perfect waste of time to keep business premises open on a Wednesday afternoon because there has been another holiday in the week. People get used to Wednesday afternoon holiday, and the shops do nothing at all.

62. *Mr. Clark.*] Why do they not close?—You cannot make them close unless you get them all into line. The majority of the drapery employers in Wellington are prepared to-morrow to accept the Saturday half-holiday if you can get them all into line; but they will not accept it on their own initiative. When our dispute came before the Conciliation Council we debated this point, that the assistants should not lose their ordinary half-holiday if another holiday occurred in the same week. The employers said then that it did not make a great deal of difference because they never did any trade on the Wednesday afternoon, and they thought they could reasonably give it; but, unfortunately, we could not come to an understanding, and the thing was thrown out. Yesterday I was talking to a very large employer of labour in Wellington, and he assured me that he recognized that this clause was one that required deleting altogether. When I was in Auckland some years ago the shopkeepers always closed on Saturday, and it did not matter whether we had a holiday in the week or not we used to get off on Saturday just the same. The provision in the Bill is no good. It is old and rusty now. It is time it was deleted and something fresh put in. Clause 43: We wish to enter our most vigorous protest against the clause being inserted in the new Act. As mentioned in the memorandum to this Bill, the provision in the old Act does not allow for any extension for assistants in the shop, as per decision of the Chief Justice in Archer *v.* Le Cren, April issue of *Labour Journal*, 1912. This has caused no inconvenience to employers in this city, as very few indeed ever made any attempt to keep assistants after 6 p.m. or 9 p.m. Those firms that did have since been brought into line with those that were closing. But if this clause is inserted it will lead to a general application of the use of the fifteen minutes, as the shopkeepers who close at 6 p.m. and 9 p.m. will be compelled for self-protection to extend their closing-time. If it is thought necessary to have a clause of this description inserted we have no objection, provided that it specifies that the extra fifteen minutes shall only be made use of to allow an assistant to finish attending to a customer whom he is attending to at the hour of closing.

63. *Hon. Mr. Massey.*] That is the intention of the clause?—It does not read in that way. The old Act respecting the half-hour was used in Wellington by George and George—Mr. Rowley will bear me out in this—for half past 9 closing for nine long years. The girls and men worked till half past 9 till we got an industrial union, and we made them stop it. I ask any member of the Committee, What can a shop-assistant say if an employer says, "I have got the right to keep you fifteen minutes"? We say, "Let us attend to the customers we are serving, but if we have no customers to serve let us go home." We do not want to evade any work that is put upon us, but we do not want an employer to be in a position to say, "You must stay behind for fifteen minutes. I have the right to keep you." And they have said that to us before to-day under the old Act—until the Archer - Le Cren judgment.

64. *Mr. Anderson.*] Is not this put in rather for grocers who have delivery-carts out—to enable their delivery-men to put the horses up?—Well, why not leave the clause in the old Act in—the half-hour provision? It says in the memorandum regarding clause 43, "By this clause any shop-assistant may be employed for fifteen minutes after the prescribed time of closing." I ask you, is that definite or is it not? The present provision allows for an extension of half an hour, but applies only to assistants employed off the premises of the shop. That refers exactly to what you mention—to grocers' assistants who are driving a cart or something like that away from the shop.

65. A grocer in a very large way in Dunedin mentioned to me that under the Act his delivery-vans could be put into his stable-yard and left there, with the horses harnessed up and everything, and he had no legal means of getting his men to put them in the stable?—I take it that, according to the Chief Justice's ruling, that man is entitled to work his assistants for half an hour under the present law.

66. *Mr. Davey.*] This provision in the Bill applies to people in the shop?—There is no doubt about that. We want to be fair to the employers and we want the Legislature to be fair to us. Put in something that will allow us to finish serving a customer at closing-time, and we are with you; but do not put in something that will give a man the right to keep us all there fifteen minutes. Give us something definite so that the Labour Department can come along when we have a grievance and say, "You will have to let those people go." I want now to ask this one thing, and then I shall have finished. There is provision in the Factories Act that dining-room accommodation should be provided for females; but there is no provision in the Shops and Offices Act that dining-room accommodation shall be provided for females. The females in drapery houses in Wellington—according to the house they work in—have to eat their lunch wherever they can get it. The men in the drapery houses in Wellington have to eat their lunch wherever they can get it—behind a stack of drapery goods or anywhere. There is no provision; yet most of the drapery houses in Wellington have dining-room accommodation for their dressmakers. There is a difference between the shop-assistant and the dressmaker, inasmuch as one is provided for and the other is not. The shop-assistant, not having the operations of an Act to protect her, does not go into the dining-room as the dressmaker does. It would be no hardship if a clause were inserted here enacting that some provision should be made for girls and women to enable them to eat their lunch under respectable circumstances.

67. *Mr. Hindmarsh.*] At what number of employees would you require it?—I would leave it the same as under the Factories Act. Once we get the provision in the Shops and Offices Act the girls will say, "We have a right to use this room, the same as you have."

68. I suppose that most of them have rooms for their factory girls?—All of the shops have rooms for their factory girls.

Witness: I should like to ask Mr. Massey one thing. We would like particularly to be in a position to get our hours and wages, and so on, fixed up by the Arbitration Court. I understand that is the intention.

69. *Hon. Mr. Massey.*] You prefer that?—Yes, we want to try and get that done. As I said, the Act is only for those trades that are not organized. If we made such a request could any provision be made in the Shops and Offices Act by which our trade would be released from the operations of the Shops and Offices Act? I know that hotel employees do not want to come under the award, but we do. I say that if any trade-union made application to the Court to have its hours and conditions and everything that is fixed by the Shops and Offices Act fixed by the Arbitration Court that trade should be released from the operations of the Shops and Offices Act.

70. To that extent?—Yes. That would be the full extent.

71. *Mr. Hindmarsh.*] Then you are in favour of giving the Arbitration Court much larger powers than it has now?—If a trades-union is agreed to it, I am. We are agreed to it. The hotel workers are not. I submit that if a trade-union makes application to the Judge of the Arbitration Court to come under the award it should be released from the operations of the Act.

72. *Mr. Anderson.*] Do you mean each union?—Yes, each union. Each union can ask for itself. I submit that if we can get under the Arbitration Act we should be released then from the Shops and Offices Act.

SIR,— Wellington, 2nd September, 1913.

On Tuesday, 12th August, last I made a statement in connection with the Shops and Offices Act on behalf of the Wellington and Wanganui Drapers' Unions. I have been requested since to appear on behalf of the Dunedin Drapers' Union, so would request that my statement of the 12th be made to read on their behalf also.

I desire to draw your attention to page 4 of my statement, commencing at the 8th line, with reference to the extra work at Christmas and New Year. I had pointed out to your Committee that the Wanganui assistants had received the day after New Year's Day as an extra holiday. In answer to a question by Mr. Anderson I stated that the extra holiday would suit our requirements. I was referring at the time to the extra holiday at Christmas and New Year in lieu of the extra work rendered, as follows: Saturday preceding Christmas Eve, two hours; Christmas Eve, five hours; Saturday preceding New Year's Eve, two hours; New Year's Eve, five hours: total, fourteen hours. It will be seen that these fourteen hours at ordinary overtime rates equal twenty-one hours' work at ordinary rates, so that I feel sure your Committee will see that I could not agree to one day's holiday only for equal to twenty-one hours rendered.

If your Committee would agree to the alteration as follows to Mr. Anderson's question to me, I think it would meet the case: "Would these extra holidays meet your requirements?"

Trusting this will meet with the Committee's approval.

I remain, &c.,
ALEX. W. CROSKERY,
Secretary, Wellington Retail Soft-goods Employees' Union.

The Chairman, Labour Bills Committee, Wellington.

ALBERT JOSEPH HUMPHREYS examined. (No. 13.)

1. *Mr. Davey* (Acting-Chairman).] What are you?—President of the Drapers' Union here.

2. Do you wish to give evidence?—In case any evidence is required in substantiation of any of the facts that Mr. Croskery brought up I am able to endorse his evidence with respect to the absence of seating-accommodation for females in Wellington and with respect to the three-weekly payment of wages at Kirkcaldie and Stains's. I was employed there for about four years and a half, and during the whole of that time wages were paid regularly at three-weekly intervals. Three weeks is still the space of time that elapses between each payment.

3. *Mr. Hindmarsh.*] You get a fortnight's wages?—No; three weeks', fully paid up.

4. They keep nothing in hand?—No.

5. *Hon. Mr. Massey.*] Do the employees object to the three-weekly system?—They object—to us; of course, they do not object to the firm. For obvious reasons they prefer getting their money three-weekly rather than not get it at all. There is one matter in reference to this Shops and Offices Bill that Mr. Croskery has not spoken of, and that has always appealed to me as inflicting an injustice on a certain class of labour in New Zealand; it is the exemption of the wholesale houses from the operation of the Shops and Offices Act. Factories are dealt with regarding hours and general conditions of employment, &c., in the Factories Act; shops and offices are dealt with in the Shops and Offices Act: practically every class of labour receives some attention with the exception of the assistants in the wholesale houses.

6. I suppose you know the reason?—Yes, I believe it is because there was considerable agitation at the time they were proposed to be, owing to the fact that their trade is supposed to be a season trade and a great deal of overtime is necessary—so it was contended—at certain periods of the year. But the way their exemption operates is this: they work a considerable amount of overtime all through the year. I have spoken to numerous shopkeepers about it. I was speaking to the manager of George and Kersley's about it the other day, and he said, "I cannot for the life of me see why the assistants in the wholesale should be excluded from the operations of the Shops and Offices Act."

7. Do you speak on behalf of the warehouse assistants?—Yes.

8. *Hon. Mr. Massey.*] I was in Parliament when the matter came up on a previous occasion, and we were given to understand, by deputations that came along and by petitions forwarded to Parliament, that nearly the whole of the men employed in warehouses were dead against coming under the Shops and Offices Act?—That is so.

9. *Mr. Davey.*] You have no authority to speak on their behalf, I take it?—I am taking the opinions that have been expressed to me by wholesale men, and to some extent I believe I am justified in speaking here on their behalf, as wholesale men are qualified now to become members of our union, which exists now for the benefit of wholesale men as well as retail.

10. *Hon. Mr. Massey.*] The position is simple. When they want to come under the Shops and Offices Act we are quite prepared to put them under. But we are not going to compel them to come?—The employees in shops and offices were not consulted as to whether they should come under it.

11. *Mr. Davey.*] Have you any other evidence to give?—No; but if any endorsement is wanted of the facts the secretary brought up I shall be quite willing to answer any question.

FRIDAY, 15TH AUGUST, 1913.

WILLIAM EDWARD SILL, representing the Auckland Butchers' Industrial Union of Workers, made a statement and was examined. (No. 14.)

Witness: The principal items I wish to mention in connection with the Act are, firstly: Last year the butchers applied for an award as hitherto, including the hours, but the Court ruled that the award had been overridden by an Act of the Legislature. Therefore we are left with the Shops and Offices Act at present, and it does not come near what we were getting under the award. The hours have not really been increased—we were working fifty-six hours a week—but the times fixed for starting and knocking off work are far wider than we had previously when we had practically uniform hours of work. The time for starting work was 6 a.m., and for leaving off 5 p.m. Now the Act provides that the hours shall be from 4 a.m. till 6 p.m. The new Act permits butchers to commence work at 6 a.m. on ordinary days, 4 to 1 p.m. on the half-holiday, and up to 10 p.m. on the late night. The meal-hours under the Act provide for a meal every five hours. That is very unsuitable for the butchering trade, and I may say there is not a butcher in Auckland at the present time keeping the present Act in reference to meal-hours. It is simply impossible for them to do so, and the union never presses the point, because to a certain extent it is at least very irksome. Really what my union suggests is that our late hours shall be given back to us, but if you cannot see your way to concede that we ask for something to give us uniformity of hours as near as possible to the old award. Where the five hours does not operate is principally in the morning. At the present time the butchers start at 6 a.m. or 6.30. That is supposed to be the hour of starting, but we have already got into the practice of starting earlier in some establishments, and they give three-quarters of an hour for breakfast in some establishments and half an hour in others. The point is that if they start at 6.30 they must give an hour for dinner or a meal at 11.30, but very often they do not get their meal till 1, and very often it is 2 or 3 o'clock. What I want to suggest is this: that a meal-time of half an hour be fixed for those who start work before 6.30 a.m. As I say, we are not subject to an award of the Arbitration Court in regard to hours, and it was owing to a certain clause being struck out of the last amendment of the Shops and Offices Act that put us where we are, and, although I see

that you are reinserting it, it is questionable whether we will ever get the question of hours back into the award. I have a complaint that the drivers at Hellaby's, Auckland, do not get a meal till 10 or 11. I hardly think it is right and proper that a man should have to wait so long. It is not so bad in the case of a man, but very often boys have to wait long hours for breakfast. It is simply through disorganization and want of system that this sort of thing is allowed to occur. I have been in the butchering trade for twenty-five years, and know something of its working when I make that remark. Now, as regards Christmas and New Year's Eve, the Act specifies that the shops can be kept open until 11 p.m. The union thinks it is necessary to put a limit on these hours. Ordinary shops do not open until 8 a.m. Butchers on these days start at the usual time, 6 a.m.; very probably, owing to the rush, it may be earlier. If they are going to work till 11 p.m., even giving the Christmas holidays in, it is too long for any man to work, and is not necessary with proper organization. Butchering business is done in the morning—that is the time when people do their meat-buying; and even if other establishments keep open it is not necessary for the butchers to keep open. At the commencement of 1912 the butchers voluntarily closed their establishments at 6 p.m. on Saturday. No one butcher in Auckland would go back to the old system of keeping open till 9. That speaks for itself that Saturday-night trade, as far as the butcher is concerned, is not required. The unfortunate part of it is that several of the butchers are keeping their men too long a time clearing up. There is a paragraph here which I do not think sufficiently explicit. I refer to clause 8, subsection (2): "The provisions of the last preceding subsection relating to the hours of employment shall not apply to any shop-assistant while engaged in delivering goods at the residence of any person situate four miles or upwards from the shop, and not being within three miles of any borough or within any area in which an award of the Court of Arbitration is in force." Now, there is an award of the Court of Arbitration operating in Auckland which only relates to wages. This clause presumably means hours. It does not say so. I have had some rather forcible experiences lately in respect of interpretations, especially by the Court of Arbitration, though I suppose the Judge would not be asked for an interpretation of an Act the same as he is of an award. If the Judge had the interpreting of that clause he would simply say an award was in force in Auckland, but it does not refer to hours—only wages. The Act provides that every shop shall be registered with the Inspector in the name of the occupier. In Auckland we have about forty branch shops, and in every case the first shopman is registered as the occupier. That registration practically excludes the first shopman from the benefit of the Act. He seldom gets more than the minimum, £3 10s., except in one or two cases. Now, there is a provision in the Act which provides that overtime shall not be paid to men in receipt of over £200 a year. These men are not getting that, and my union thinks they should not be deprived of the benefits regarding hours to which they are entitled under the Shops and Offices Act. They have a certain amount of responsibility, but they are simply shop-assistants—working-men; but by this system of registration they are deprived of the benefits of this Act. There is one other matter in connection with hours, and that is the Wednesday hours. If you read the hours as provided by the Act the inference is that on Wednesday they shall work five hours. The present Act and the proposed amending Act do not state that definitely, but practically leave nine working-hours before 1 p.m. In Auckland the butchers start at 6 a.m. at present. They close at 12, but frequently some of the employers keep them there till 1. They are not evading the law so long as they do not exceed the number of hours to be worked in each week. I suggest that the hours for the half-holiday should not exceed four and a half or five hours on the half-day, otherwise it is not a half-holiday at all. Clause 9 (*a*) of the new Act says, "The shop-assistant shall not be employed in or about the shop at meal-times or during the interval for rest or refreshment." At the present time an order-man doing his rounds has to get his meals while on his rounds, and what I am doubtful about is whether the man gets his meals at all. There is another clause which says, "All work done for the occupier of the shop by the assistant elsewhere than in the shop (whether the work is or is not in connection with the business of the shop) shall be deemed to be done while the shop-assistant is in the shop, and the time shall be counted accordingly." Well, the question is, is the time the man is out on the cart to be counted as a meal-time or in the work of his employer? It would be better if a more explicit clause were made in order that we could determine what the position was. In the proposed Act there are several exemptions where the Saturday half-holiday is carried. My instructions are to ask you that in cases where the poll is carried by the whole of the electors the butchers should be included in the general holiday. I am speaking from experience when I say that there is no reason why this could not be done if the electors understand there are to be no exemptions when they vote. The butcher's trade is a morning trade, more so on Saturday than on any other day. In Auckland nine-tenths of the trading is done on Saturday morning. I can give you an instance. I know of one shop which has a cash trade. It takes £17 before 12.30 and £4 afterwards. I know of another case in which the total cash takings are £40, and £33 is taken before 12.30. These figures speak for themselves. On the first Saturday of the Saturday half-holiday in Auckland there was absolutely nothing done in the afternoon. People thought the shops were shut. Now a few stragglers come. If you kept open until midnight somebody would come along. I hope the Committee will see its way to include butchers, even if they cannot include pork-butchers. There is a difficulty here because of the Saturday night cash trade, and that is a difficulty to be overcome. In reference to clause 43, "If any shop-assistant is employed in any work in any shop or in connection with the business of any shop later than fifteen minutes after the prescribed time, the employer commits an offence in respect of each shop-assistant so employed": In the first place, my union objects to it altogether. The Act provides for nine hours' work. Either this clause should be struck out altogether or the extra quarter of an hour added to the day's work. Why cannot the employer close his shop a quarter of an hour earlier, or detail some of his hands to

clean up? It is only a question of habit. In reference to clause 55, "Nothing in this Act shall render the occupier of a shop liable to any penalty in respect to the employment of any shop-assistant in feeding and attending horses used in the business of the occupier in excess of the hours of employment allowed by this Act, provided that such employment in excess shall not exceed one hour per day and overtime shall be paid for such excess at the rate of time and a quarter, with a minimum of ninepence per hour": That clause is a great improvement on what we have hitherto had, but it does not appear plain whether this clause is exclusive of the quarter of an hour included in clause 43. The question is, Can an employer send a man to look after a horse and claim the quarter of an hour given by the clause 43? Going back for a moment to the question of occupier, the clause says, "For the purpose of this section the wife or husband of this person and the members of his or her family shall be deemed to be a shop-assistant." Well, that clause makes a wife or family a shop-assistant.

Mr. Rowley: That is just what it does not do.

Witness: If you take English as I know it it cannot have any other meaning. If my interpretation of this clause is correct a registered occupier may be a shopman, and the employer may have the benefit of a shopman's wife's services. I have tried to fathom it in connection with the previous clause 3, which provides for the registration of the occupier, but have not succeeded. In connection with the hours of work I ought to mention that for the last thirteen years the Auckland butchers have been governed by an award under which the starting-time is 6 a.m. Now, according to the Act we have gone back to 4 a.m. I have left this clause 4 to the last although it was an earlier clause in the Act. Clause 4 deals with the records to be kept. The words we take exception to are these: "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 payment, but also as a certificate of the correctness of the particulars entered with respect to that assistant." Now, if that clause is going to become law, or if it had been law, not a case which has been taken by my union would have been taken; because, though clause 42 provides a penalty for false entries, Inspectors must take records as correct which have been signed by an assistant, and cannot go any further. I will give you an instance in point: Some time ago a man came to me and said his employer had treated him badly. That was a matter of opinion. He said, "Anyway, he has only been paying me £2 5s. instead of £2 11s." I asked him what he took it for. He said, "He promised me a rise later. I was hard up for a job." There was only his word against the employer's. I rang up the employer and he said he would come and see me. The man came round thinking I was going to discuss dismissing the man without notice. I said to the man, "Ask Mr. R—— in my presence about the £2 5s." R—— was taken by surprise and admitted it. He was fined £10 and costs. The Magistrate thought it was a serious case, and no doubt it was. The man's misfortune had been taken advantage of, and the wages-book was never kept properly. Very often a man will sign a wages-book in a hurry to get his wages, and the book will be filled in afterwards. I think the words "certificate of correctness of the particulars entered with respect to that assistant," &c., should be struck out entirely. They will have exactly the opposite effect to what is intended. Clause 25 makes the driver of a hawking-cart an occupier. It says, "Every such person shall be deemed to be the occupier of a shop, and every assistant employed by him in or about such business shall be deemed to be a shop-assistant within the meaning of the Act." That does not apply to Auckland because there are no hawking-carts there. I interpret that clause as making the man in charge of a cart an occupier. The same argument applies to that as to the man in charge of a shop. As a rule he gets £3 a week, and if he is to be a worker under the provisions of this Act it is exempting a person who should not be exempted. He is simply retailing meat for an employer as in a butcher's shop, and I contend that it is fair to include him in the provisions of the Act. The first clause in the Act deals with the date: "This Act may be cited as the Shops and Offices Act, 1913, and shall commence on the first day of April, nineteen hundred and fourteen." We submit that the date should have been made the 1st January. Surely employers should be in a position to comply with the Act by that time.

1. *To Mr. Bollard.*] I represent the butchers' employees. I am not a working member of the union; I am a paid secretary. I was a butcher for over twenty years before I took that position. I was working in New Zealand in the trade for seven years, and during that time was in charge of shops in Auckland—the Meat Company and Hellaby's. Butchers deal in perishable goods, but that makes no difference. In the event of Saturday being made a half-holiday they should close the same as other people in summer as well as winter. They have Saturday closing in Melbourne and Brisbane where it is far hotter than here. At present, such a thing as a loin of beef is got in in a small shop on Tuesday, and is kept for sale on Saturday—that is nearly a week. Weather has nothing to do with the question. In summer as well as winter nine-tenths of the meat is distributed before dinner.

2. What about the wives of working-men who have got to do their shopping on Saturday afternoon?—They are not going to make two shopping expeditions. Half the trade, or more than that, is delivered at the door. The custom is to give the Saturday and Sunday order on Friday.

3. What about the other half?—They get their meat in the morning. Saturday afternoon was never a busy time for the butchers. When the evening trade was in existence before the Saturday half-holiday the rush was always between 8 and 9. In the Old Country the evening rush generally lasted two hours. Now they have closed there is no rush in the afternoon. You have got to study the habits of the people, and Saturday afternoon is not a great shopping-time. In Auckland, if it went to "one man one vote" amongst the butchers, Saturday closing would be carried. There are about sixty in the town, but two butchers in the town have thirty votes between them, and they are against it. Hellaby's are not in the association. It is no use doing

anything without Hellaby's consent. The small butchers are desirous of Saturday; the large ones are not. They give you the reasons always given against curtailing the hours of business. I advocated the Saturday evening closing for years. They would not do it, but now they find they are better off with it.

4. Well, your statement is directly opposite to my information about the butchers' anxiety to keep open till at least 9 o'clock on Saturday?—I have an agreement in Gisborne. There the closing-time was 6.30. A good many of the order-men had no work to do during the afternoon. Some of the employers said, "We do not want you kicking about here." Other employers would not give any concession, and kept their men till closing-time. That does not say it is required.

5. Do you positively state that the majority of the butchers in Auckland are anxious to close?—I do. The majority of butchers I ask say, "You have only the big butchers to blame for it."

6. *Mr. Clark.*] You made the statement that one butcher took £40 cash: was that in the morning?—He reckons he takes £33 in the morning and the remainder after 12.30.

7. *The Chairman.*] Where is the shop located?—In the Dominion Road, Mount Eden Borough.

8. *Mr. Clark.*] Does the proprietor want to close Saturday afternoons?—No.

9. Did you get your information from the employer or an employee?—From an employee.

10. Do you think it a fair thing to get the information and make it public?—Well, I do not know. It is this way: in most of the shops in Auckland I could generally get an idea of the takings. It is not kept very secret: there is no necessity. As a rule butchers can tell you pretty well what every shop does.

11. Do you think it right to use it publicly?—I gave the general information, then I was asked for the name of the firm, or I would not have given it to you.

12. *Mr. Hindmarsh.*] Do the butchers voluntarily close in Wellington at 5.30?—They do.

13. Do they close on Saturday afternoons now?—No, they close at 7. They are not under this Act, I think. The Saturday half-holiday is uniform under this Bill—that is, shops that have any half-holiday at all. The tendency in the butchering trade is to reduce hours, with apparently no loss in custom.

14. The Wellington butchers closed on their own motion, did they not?—That is so; but it is generally in conformity with an award. Generally they have been consenting parties. Agreements in Auckland have always been voluntary until the present one. What the employers have agreed to for thirteen years must surely be all right.

15. You say the master butchers themselves have been agreeable to closing earlier in many places, and apparently do not lose in business by it?—Yes, that is so. We start work in Auckland under the present arrangement at 6 a.m., but one or two of the butchers, since the award was disturbed, have got into all hours, simply because of bad management. They get no more trade. They simply follow one another. My union reckons that 5 a.m. to 5 p.m. is enough. If a man cannot do his business in those hours he ought to be out of the trade altogether.

16. Is there any overtime?—Well, it is done, and not paid for. At the present time we cannot sheet cases home. You ought to make it as easy as possible to get evidence. Of course, there must be a certain amount of latitude, although if businesses were properly managed there would be no necessity for it at all. Of course, I do not expect to get all my own way of thinking, but if you give a twelve-hours day in which to do nine hours' work it ought to be sufficient.

17. *To Mr. Glover.*] Up to last year we were working under the award. While the original Act gave considerably more latitude than the award my experience is that it is not working at all. There is trouble about the pork-butchers because the employer makes them his excuse. He says, "You close the pork-butchers, we will close too." That is their strongest objection. I sympathize to some extent. The pork-butcher, on the other hand, says, "I do a large trade on Saturday night." Still, it must be remembered that the other butchers give the pork-butchers four hours every evening and five hours on Saturday night. It shows they can afford to ignore the pork-butcher. My union is not satisfied with clause 7, fixing the hours for Christmas and New Year's Eve. I am not going to suggest making any special provision for butchers, but just to limit the hours to the universal long day. The people had got into the habit of not doing their shopping after 6, but the employers do not like the Legislature interfering with existing arrangements. Mr. Grovenor had said, "We do not object to the hours, but we object to an Act of Parliament interfering with whatever we agree to." Therefore the question of justice or fitness did not come into it. They feel they must make a protest, and we are suffering for it. Some question has been raised about the working-man's wife not being able to do her shopping till Saturday afternoon. All I can say in reply to that is, "Let the wife of the man who enjoys forty-four hours a week do her shopping at the proper time."

18. *Mr. Okey.*] This Act proposes to start work at 4 in the morning. What is the first work of a butcher in the morning?—As a rule the shopman probably sets out his window, and the shopman breaks up his meat for delivery or sale. The delivery did not start generally till about 8 o'clock. In some cases a man goes on his round about 7.30 to collect orders.

19. Then there is no object in starting at 4?—None that I know of. The trade is gradually becoming a cash trade, because the butchers charge a halfpenny a pound for delivering. It is very difficult under the present system for men to get breakfast, and unless a shop is doing a trade employing three or four hands they never get breakfast. Very few butchers are keeping the Act and getting a meal every five hours.

20. Would it not be better to make it 6 o'clock in the summer months and 7 in the winter?—No, I do not think so. Habit is everything; light and dark make no difference.

21. *Mr. Wilkinson.*] That quarter of an hour trouble: what would happen if the shops were full of people—would they have to close right up? Would you favour that?—Yes, I would. It is the habit of the public to come at the last minute. The sooner they get out of it the better.

22. How is it possible for a butcher to get his breakfast in the morning after he starts his rounds?—It is not a question of "is it possible." Surely he is entitled to his breakfast.

23. Would it not be possible for him to get it if he did not start too early?—I say, if a butcher starts work before 6.30 he could have his breakfast, but if the employer wants him before 6.30 let him arrange for him to have breakfast. The man in the shop can get some one to relieve him while he gets breakfast. Cash shops very seldom start before 6.30.

24. Do you not think that the poll in regard to the holiday question under the Shop Act is held too often?—I should say it ought to be held every three years.

25. Would it not be better to give the alternative of Wednesday or Saturday for the half-holiday?—Yes.

26. Do you not think it would be better to have the districts in which the poll is taken made much larger?—Yes, I do.

27. What area do you suggest?—Fifteen miles. In Auckland you have to go outside that area some distance before you strike a stopping district.

28. Do you think that people living in a county should have a vote?—Yes.

29. Do you not think that the necessity for a requisition should be dispensed with after three years?—No, if nobody wants it altered I do not see why they should have a poll every three years.

30. Do you favour 6 o'clock to start with being placed in a general Act?—No, in a general Act I would say 5 to 5, or 5.30 to 5.30. Most places want to start a little earlier on Saturday morning.

31. Do you not think it is quite unfair to inquire what a person takes in his business from an employee?—If I went to Mr. Marks himself he would tell me.

32. *Mr. Bradney.*] Are there any pork-butchers in your union?—Pork-butchers to this extent, that they are making small goods. I have only one or two members who are pork-butchers' assistants.

33. Therefore you are advocating this not on broad principles. You do not represent the Pork-butchers' Union?—The pork-butchers approached me to come into the union, but the master pork-butchers tried to get them to form a union of their own. I opposed that, and my opposition was successful. The small-goods customer does not order small goods in the morning. It is a catch trade.

34. Are you aware that the principal pork-butcher in Auckland, although exempt under the Act, lost £500 in diminished takings in two months after the Saturday half-holiday came into vogue?—That was not wholly due to the Saturday half-holiday. It is due to other causes—was affected because the tram-cars did not go down that street.

35. His principal business was in Sydney Street. There he shows the greatest loss. Well, it affected him the same as it affected the butchers?—Well, he is only one man. The Saturday afternoon holiday would ruin some men.

36. In regard to your remarks on clause 4, subsection (2), where you stated that this was a dangerous clause because the employer may not be honest, and the worker is in a hurry to get away, do you not think the worker is a responsible person and knows what he signs when he hurries off to get to the football match? You have not that plea to-day. The men are not ignorant; every man is educated and can read and write. Why cannot he look after his own interests?—For more reasons than what you have said. At 6 o'clock on Saturday night the football matches are usually over.

37. I am speaking of your objection to this clause in the Act?—A man will sign simply what his employer asks him to sign simply because of his job.

38. Not a very high standard for the men?—I know plenty of men admirable in many ways who act in that way out of other considerations besides themselves. You have to make laws to protect weakness. If every man had the same strong nature and character you would not need laws at all.

39. How do you propose to deal with shipping. Ships do not come in on Saturday afternoon any more than Wednesday?—There is a clause to provide for that.

40. Sometimes they come in with no food on board, and have to be provided with meat not only on Saturdays, but on Sundays. The large mail-boats often want tons of meat—a whole day is hardly long enough—and yet you say it can be done in the morning?—There is a proviso in the Act that an employer may open his shop to supply shipping. That meets the objection you have.

41. Do you realize that the various restrictions placed on the butchers by past legislation has had the effect of closing up the small butchers, and creating a meat-monopoly in Auckland?—No; it is simply the conditions of trade, the price of meat, and very often the incompetency of the small butcher. The butchering conditions in Auckland existed before there was any legislation.

42. Do you not see the same conditions of things in Wellington? The shop you quoted is a suburban shop, not a catch trade at all. You admit that a lot of the population go out for recreation on Saturday afternoon?—There is more catch trade in the Karangahape Road, but the firm also own shops in the suburbs. It only means transferring trade from one centre to the other. More firms get the trade.

43. Another point you raise is the trouble of getting convictions against an employer. Do you think it reasonable, unless you have a complaint from an employee, that Inspectors should go round to look for evidence and stir up trouble?—The Inspector will not go unless he gets a complaint from me, and I will not go to the Inspector unless I have been to the employer and given him a warning. Mr. Kettle, S.M., once said I was guilty of aiding an evasion of the law when he heard that, but the fact remains that an employer generally gets three or four warnings before he is prosecuted.

44. You say that working-men's wives seldom shop after 1 o'clock on Saturdays. Do you know how hard it is for women with two or three children and their household duties to get out to do their shopping in the morning?—The butcher goes for orders, and the grocer goes for orders.

45. You have already stated that the women do better business by going to the shops?—Most shops have a very quiet time on Saturday afternoons; Saturday evening is the time.

46. Is it not a fact that Hellaby's provide meals for their employees?—They did, but they have not for four years. They had a cook there and the men had to pay for their meals. A fire burnt down the place, and I suppose they did not think it worth while to continue.

47. *To Mr. Prior.*] Prior to the present Act we were working upon an award mutually agreed upon, fifty-six hours a week. The starting-time was 6 a.m. The closing-time on four days of the week was 5 p.m., 1 p.m. on the half-holiday, and 9 p.m. on Saturday. Under the Act they only had to work fifty-two hours a week.

48. Does it not all point to this: that you can get better terms under an award than under an Act of Parliament?—We have never put our case before a parliamentary Committee before. We have usually been content to go to a Court.

49. Then this is what you are asking the Committee: that they will give you the advantages and shelter of an Act of Parliament and land the disadvantages upon the employers?—What are the disadvantages?

50. Is it not a disadvantage for employers to have only fifty-two hours?—No, it is not. It does not turn out disadvantageous under the scheme as they work it.

51. The advantages are the looseness of the Act which provides fifty-two hours a week, a record to be kept of all hours worked, a limited number of hours per day, and penalties?—We had all that under the award.

52. You had not under the award the conditions laid down here?—Better conditions.

53. And now because you have lost some of the conditions you want to pick the eyes out of the award and the eyes out of what is in the Act?—I have asked to get conditions in the Act that we can work under.

54. It comes to this: you prefer Arbitration Court conditions to Act conditions?—Yes.

55. We agree to that; we say it was better regulated under arbitration?—It is no use going back to the Arbitration Act. They have already turned us out, and we turn our attention to the statute; and up to the Act interfering, for thirteen years the employers and workers settled their differences. The Act came in and upset the whole of the conditions, and we are here now to take advantage of the Act.

56. With regard to the meal-hour for the men on the order-cart, do you suggest that the man should leave his horse and cart and go some distance away to get his breakfast?—I say that the breakfast-hour should be provided under the Act where a man has to start early. Fancy a boy being kept until midday for his breakfast!

57. You describe yourself as a practical butcher. Would it be possible for a man to go back to the shop four or five miles away?—Generally speaking, in the shops the hands get their breakfast-time. On their rounds the carters have to wait till 10 o'clock very frequently. A general complaint is that they cannot get their proper meal-hours. Carters start their meals any time after half past 7; go as much as five miles out—a couple of miles at least. In Auckland labour is so cheap you will see four or five carts of one firm in the same street. If they were to organize they would do considerably better than they are doing under this Act. The employer can waste everything because labour is so cheap and the hours so long.

58. You spoke about Gisborne closing at half past 5. Do you know that it was objected to by the employers? Do you know that the majority of those who agreed to it did not understand that it applied to Saturday?—I know all about that.

59. It was brought up in a technicality, and the dispute arose because the employers were under the impression that they did not close on Saturday?—Owing to a difference of opinion over one firm, that is all. They close at 6 in Auckland and Waihi. There is no reason why it should not be done everywhere.

Mr. Hindmarsh: This has been voluntary, I understand, and attended by good results.

Mr. Prior: That is not the experience in Gisborne.

Witness: I know what took place at Gisborne.

SATURDAY, 16TH AUGUST, 1913.

JOHN NEIL MCLEAN examined. (No. 15.)

1. *To Mr. Pryor.*] I am a boardinghouse-keeper at Rotorua, and, with Mr. Pearce, represent the Rotorua Boardinghouse-keepers' Association to oppose the Bill. There are twenty-four or twenty-five houses at Rotorua. In the summer we employ about one hundred and seventy hands and in the winter about a hundred. Under normal conditions we accommodate eleven hundred guests, and in the busy seasons an extra four hundred or so. In Rotorua the boardinghouses have been working under an arbitration award for three years; our present award came into force on the 18th November of last year, and remains in operation for three years. That award contains some special provisions to suit the peculiar requirements of Rotorua to meet a tourist business, under which the conditions vary to a considerable extent. For about five months there is a rush, and in the slack season not 25 per cent. of the business is done. Yet we have to keep a considerable nucleus of a good staff in the slack season, because, even in the winter, we have a short rush occasionally. Sixty-five hours a week are provided for in the award, as against sixty-two and fifty-eight proposed in this Bill. If the Act comes into force our award comes to a close. At the time the first award was made the union representatives brought the case, and

the employers believed that they had gone down rather badly. Last year the union did not ask for a whole holiday in the week. My association wishes to lodge an objection on these grounds: Boardinghouse-keepers are of opinion that no hard-and-fast Act of Parliament can possibly meet the whole of the conditions of locality, circumstances, and different conditions pertaining to the trade. Our suggestion is that the Arbitration Court would make full inquiries and give an award on the merits of each case. We are asking that private boardinghouses should be exempted from the provisions of this Bill, or, failing exemption, that the Rotorua boardinghouses shall be exempted during currency of present award. We think the interpretation of clause 2, in which it is provided that a hotel or private boardinghouse in which three persons are employed is included in the Act, is unfair, both as regards the employer and the employee, because in two houses catering for the same class of trade the employer of three or more persons is at a disadvantage compared with his neighbour who employs two. A man with a couple of daughters would have four hands and yet be exempt from the provisions of the Bill. There are two or three cases in Rotorua where daughters are engaged in housework, and where two or three servants are also employed. I say from the business point of view the whole-holiday proposal is unworkable and impracticable.

2. You have made an estimate as to the loss that would be entailed if the Bill comes into law?—It is only an estimate, and I would emphasize this point: that wages are only one aspect of the question, because the inconvenience and disabilities we would have to work under, and the trouble we would have in keeping staffs together, would be a disadvantage that no amount of pounds shillings and pence can compensate for. In my own case it will mean an increase of £270 17s. 6d., and twelve houses on the same footing as myself will pay £3,000 to £3,330. One house, larger than the others, will pay from £450 to £500 extra; nine smaller houses about £900; or a total increase in wages under favourable conditions of £4,700, or between £4,500 and £5,000. That is on the assumption that it is workable. Our contention is that it is not workable. Boardinghouse-keepers who have been twenty years in our little town are not able to find any solution of the difficulty of the full holiday. The lowest number employed in a house that can be affected by the Bill (full holiday clause) would be four, probably a cook, a kitchen hand and porter combined, and two girls. Say a cook's holiday is on a Monday: he leaves his work on Sunday and does not return till Tuesday morning. I put the question, Who is going to do the cooking on Monday? The kitchenman has no time to do it. If he had the time he has no ability, so he is out of the question. The two girls are fully occupied with their own work, and a thousand chances to one no ability, and if they had the ability they would not do it. It may be said, "Get in casual labour." In the country districts casual labour is out of the question. It is hard to get permanent hands at high wages. The only other solution is to put on extra hands permanently. Then we would be up against this trouble: it might be suggested that one permanent extra hand could do the work. I say one permanent extra hand cannot be found to do the work. A permanent cook will not do the kitchenman's work on the latter's holiday. It would take two permanent extra hands, one for the kitchen and an extra girl. That means two extra hands on a staff of four, or 50 per cent. increase on the wages. It means that for four days of the week two of the extra permanent hands are walking about the house doing nothing. It is suggested in the Bill that by having cumulative holidays the difficulty may be got over. This provision is also unworkable. In a house where six were employed you would have one going away every fortnight and one coming back. The Act says these arrangements can be made only by mutual consent. It is not worth the paper it is written on. What about giving more time for a cumulative holiday than would be given for separate holidays? That is quite against common usage. As far as Rotorua is concerned, when a servant went away for a cumulative holiday we should never see him again. We say that if this Act applies to boardinghouse-keepers it should apply to domestics privately employed and other domestic servants, otherwise it is class legislation which gives benefits to a certain class of workers and denies them to workers similarly employed. The matter should be held over till a comprehensive Bill is introduced dealing with people in all occupations where work has to be done on seven days per week. It will probably be suggested that we can recoup ourselves by putting on an extra tariff. That is not practicable at Rotorua. The extra cost on the estimate I have made is based on the most favourable conditions—almost ideal conditions. We say that even if these figures are right they are dependable on circumstances which are not even practicable. Although Auckland and other places have increased their tariffs, Rotorua boardinghouse-keepers have been loth to do so because it is a risky thing to do. Present circumstances are compelling us to raise our tariff for next season even without the proposition now facing us, and we think our trade may be very seriously affected. We have introduced most people to Rotorua by the reasonableness of our tariff, and to increase the expense is likely to seriously interfere with the trade.

3. *Mr. Long.*] You informed the Committee that there were twenty-five boardinghouses at Rotorua: how many boardinghouses are covered by the award of the Arbitration Court?—After consulting the award I find there are thirty-one. I control two of these houses; Mrs. Constant controls two, reducing the number of proprietors to twenty-nine. The Waihi house is closed, reducing it to twenty-eight; the Montrose house is closed, reducing it to twenty-seven.

4. You are not in favour of exemptions for boardinghouse-keepers under the Shops and Offices Act?—I have already pointed out the injustice of exemptions. It would be unfair to other boardinghouse-keepers. Comparatively small boardinghouses would be in an unfair position compared with the one a little bit smaller which did not come under the Act. I have given some of my staff a day off in slack times. I have never given my chef a day off. When I had a permanent chef I gave him a fortnight's holiday every year. I have never made a practice of giving a day off. It was never the practice to give the servants a holiday prior to the first award. I last increased my tariff about five years ago—1s. a day and 5s. a week. Sixty-five hours per week are provided in the award, and the limit per day is twelve hours for both male and female servants. My servants work about sixty-two, sixty-three, or sixty-five hours per week. It depends

entirely on the business done and other circumstances. I certainly do not make a practice of working my servants sixty-five hours per week. I did not say before the Arbitration Court that I did, and my time-sheets do not show it. With the approval of the Inspector all my staff keep their own time, and I book up the time according to them. It is not in the award to pay servants their fare when engaged; it is a practice. We are not opposing the concession simply as a matter of pounds shillings and pence. We keenly feel the inconvenience and trouble that would be caused. Take my own case. I would require an extra kitchen hand, £2 a week for the full year, £104; two housemaids and waitresses at 17s. 6d. for the busy season, £54 15s.; one housemaid, twenty-one weeks, £18 17s. 6d.; board and lodging—one cook, 15s. a week, £39; one housemaid-waitress, £39; one housemaid-waitress, £23 5s.: or a total altogether of £277 17s. 6d. a year.

5. Will you explain to the Committee why it is necessary to engage another cook?—I have a cook and a kitchenman. It would require another man capable of cooking. The difference between granting half and whole holidays is this: on the half-day the cook gets the breakfast and dinner through and gets the extra sweets ready for tea in the evening——

6. Would three half-days a week be unworkable?—I say three half-days a week would be unreasonable and lead to all sorts of inconvenience.

7. Supposing we were to agree to two additional half-days would you say that was unworkable?—The point would be this: that we would be giving our people cold tea on four evenings of the week.

8. If the other boardinghouse-keepers were doing the same it would not matter?—Supposing we all kept the holiday and said, "Nobody shall have anything to eat."

9. That is absurd. What is the difference between the hours now worked and those provided in the Bill?—Three hours for men and seven for women. I have paid as much as ten hours' overtime in one week.

10. Did you have to increase your staff after the first award came in providing for a half-holiday and a reduction of hours?—I cannot say if I did or not.

11. If I said you did not what would you say?—I cannot say if I increased my staff just at that particular time. I would not say I did and I would not say I did not.

12. *Mr. Hindmarsh.*] You say you are proprietor of two houses, both leased. If you paid more wages perhaps you would get a reduction in rent?—Not likely. I have got a lease of one for thirteen years and the other for fifteen.

13. *Mr. Clark.*] Do you say this Bill is class legislation?—I say the effect of it will be distinctly in favour of certain classes, because it gives preferential treatment to certain employees as against others in the same class of business.

14. *To Mr. Wilkinson.*] I should say the advance in wages in the event of the Act coming into force would be 30 per cent. We have discussed the bringing-in of a new tariff next month. I should say it is almost certain to be carried. It will amount to 1s. a day and 5s. a week.

15. You say you cater for eleven hundred or fifteen hundred people. That will pay the extra cost of living and a good deal of profit if you have no more wages to pay?—That was discussed before this Bill was known anything about. That was to meet the increase in the cost of living, wages, provisions, and the general increase all round. It has been mounting up for the last five years. Most of the other districts have already increased theirs.

16. What is the average rate paid for board?—6s., 7s., and 8s. per day, and £1 10s. to £2 10s. per week.

17. One and six a week would pay the extra amount according to your evidence?—No, you have not allowed for fluctuations. There were not fifty visitors in the town when we left.

18. How much a week would you require to recompense yourselves for the extra cost imposed by this Bill?—If monetary cost were the only consideration it would take 3s. or 4s. a week, but even if we put this on to pay for the increased wages we still say it is absolutely unworkable.

19. *Mr. Okey.*] Do you not think it would be preferable to allow each particular district to make their own arrangements and then get an award?—That is done now with the Conciliation Council and Arbitration Court, and I think it is workable. This is one of the businesses that you must carry on for seven days a week.

20. You have no suggestion to make as to how the Act can be complied with without employing extra hands?—I have asked all the people in the business that I have come in contact with, and everybody admits that there are no means by which it can be carried out. The union secretary in Rotorua admitted it was unworkable when I said I would give £5 for a solution.

21. *Mr. Long.*] That is only a statement. I would like particularly to verify it. You do not allow your girls to go out if you have any slack time?—As long as the work is done they can go away if they like. The majority of my girls finish at 2 o'clock in the afternoon, and do not come on till 5 or 6 p.m. After they have done their work they are all at liberty for the evening except one girl, who is on hall duty, &c.

22. *Mr. Okey.*] Are the employees asking for the Act?—I have not heard anything about it. I maintain that the employees as a whole are not asking for it.

23. *To the Chairman.*] We only pay the fare up when we engage them. It is not compulsory; it is the practice. We would give a holiday to any employee under exceptional circumstances if he asked for it.

24. *Mr. Thompson.*] How would you fix the definition different from what it is in the Bill to differentiate between a widow keeping a boardinghouse and larger places?—We say it is not right for private hotels and boardinghouses to be included in the Bill at all.

25. *Mr. Long.*] Would you be surprised to know your employees signed the requisition supporting this Bill?—I am quite aware that during the last week or two petitions have been hawked round and they have signed them. If the requisition were for three holidays a week they would all sign it.

HENRY ALEXANDER PEARCE, representing the Rotorua Boardinghouse-keepers' Association, examined. (No. 16.)

Witness: I have heard the evidence of Mr. McLean, and am able to bear him out in most of his objections. The only thing I would propose to touch on is section 27, clause 2: "Such working-hours may be extended to not more than three hours in any one day, nor more than ninety hours in any one year. Written notice of the extended time is to be given to the Inspector within twenty-four hours thereof." We would ask that the limit of ninety hours be eliminated from the Bill. Altogether it works out at a quarter of an hour per day, and we think the workers are protected by our time-book, which shows the hours worked and the overtime each day. We think that is sufficient protection to the workers. We claim that at special times we may have to use the overtime and perhaps exceed the ninety hours. Section 29 says, "In lieu of allowing a half or a whole holiday as provided for in this Act, the occupier of a hotel may, with the previous written consent of the Inspector, require all or any of the assistants to work on the half or whole holiday on not more than one occasion within any period of two months." We consider it is unworkable to obtain the consent of the Inspector, because it is impossible in the country districts to obtain the Inspector's permission. Section 30 states, "In every hotel and restaurant, shall at all times keep an approved holiday-book, a record of the working-day in each week fixed for the half or whole holiday of each assistant. The record shall at all times be open for inspection by any assistant employed by the occupier, or by an Inspector, and shall be signed by each assistant before entering on his half or whole holiday." We ask that the word "fixed" be erased from that section. It is impossible to make a "fixed" day for any one of the staff. We may have to change the holiday at any moment.

1. *To Mr. Pryor.*] We never work overtime unless we are compelled. We are not fond of paying overtime. Overtime is on the basis of 9d. an hour—time and a half. It is impossible to get extra labour to save overtime in the country. You might "fluke" it once in half a dozen times. We think that sufficient without that restriction.

2. *To Mr. Long.*] We may not have to work a dozen hours' overtime in twelve months. If you were to say we do not work six hours I would not contradict you. I do not say because my business does not require it other people's business does not require it. There is no Inspector in many districts. I originally conducted "Thurwell," which had a tariff of 6s. a day, or £1 15s. a week. I have since taken over "Grand Vue," which has a tariff of 8s. and £2 5s.—a better-class house. Have given servants a whole day off at slack times quite a few times. I do not make a practice of letting the staff off in the slack season. During this last ten days we have had five servants doing nothing.

3. Have you given any of them a day off?—I cannot say; I have been away. Since the award we have increased the staff—two at Thurwell House, a porter-kitchenman and a waitress. The present proprietary kept them in busy times.

4. *Mr. Veitch.*] In the event of it being decided that boardinghouses shall come under the Shops Act, can you suggest a better definition than we have here now in section 2?—We have nothing to "sell," as it seems to mean in that clause. We have nothing "exposed for sale." I do not know whether we "offer" anything. The only improvement we suggest is that private hotels and boardinghouses be excluded.

5. *To Mr. Okey.*] I employ ten hands in the summer, and four of these just at occasional times.

6. What extra staff will you require if the Bill is put through?—We run a chef, and kitchenman, and porter. We should require one extra man to work three days a week to take their places. On the other three days he would be doing nothing. We would require two extra girls.

7. What objection is there to an extra man going from place to place?—That would be inadvisable, because he would become conversant with the business arrangements of the different proprietors.

8. *To Mr. Okey.*] There is no dissatisfaction among my employees. I do not know whether they signed the requisition. The petition was brought under my notice last Monday week. They had a notice from town in view of the sitting of the Committee, to get a petition sent round. The petition was brought by the secretary of the local union. It is really an attempt to upset the employees. They cited us for an award a few months ago, including a half-holiday with no mention of a whole holiday; now they want a whole holiday.

ROBERT BREEN, representing the Otago Hotel, Restaurant, and Boardinghouse Employees' Union and the Otago Trades and Labour Council, examined. (No. 17.)

Witness: About five years ago I was instrumental in forming the union in Dunedin. With the exception of the last eighteen months I was secretary of the union. I have been requested by the bodies mentioned to come here and give evidence, and I have prepared this statement. The union desires the inclusion of clubs and public boardinghouses, and also a clearer definition of private hotels. There are three or four clubs in Dunedin, but they are not bound by any award. I do not know personally what hours the employees work, but from information received from time to time am satisfied they are in excess of the hours prescribed in the present Act. The wages paid in some cases are lower than the wages paid under awards for hotels. Application was made to the Arbitration Court to have clubs joined to the award, but the application was refused, so the employees have no protection whatever. There are several large boardinghouses in Dunedin which cater for the travelling public and enter into competition with private hotels which are bound under awards, and they are also outside the provisions of the Shops and Offices

Act and Arbitration Court awards. The employees in some of these establishments are worked excessive hours. During the time I was secretary of the union I had repeated complaints from girls, some of whom were members of the union, about the long hours worked and the low wages paid, but we could not help them. The union made several attempts to have them brought under the award, but each time Mr. Justice Sim refused our application. Most of these boardinghouses employ more than three persons, but some of them only employ two. If the number in the Bill was reduced to two it would cover all the places in Dunedin. The greater portion of Otago and Southland is no-license, consequently there are more private hotels and boardinghouses in Otago and Southland than in any other industrial district in New Zealand. The employees in the greater portion of these places are not protected by any law. Owing to the decision of Mr. Justice Sim the operation of the union has been restricted, but if they are covered by the Shops and Offices Act the hours of employees will be reduced, and as these employees are mostly girls and women who are unable to fight for themselves we think they are entitled to the benefit of the Act. With respect to section 27, the union desires the hours for male workers fixed at fifty-six and female workers fifty-two, and that male workers be not allowed to work more than ten hours in any one day and females nine hours. We contend that if the number is fixed at eleven hours it suggests to the employer that so long as he does not work his staff more than eleven hours in any one day he is quite safe. He either conveniently forgets or is unconscious of the fact that the total number of hours for the week are exceeded. Before the formation of the Dunedin union the workers in some places worked pretty well round the clock. The first award fixed sixty-five hours for all hotel workers. When the award came into operation many cases were found where girls were employed between eighty and ninety hours. With one or two exceptions the staffs in the various hotels in Dunedin are the same in number as they were before the award, notwithstanding the reduction in hours, which goes to prove that the employers were able to so arrange the hours to keep within the Act without any great inconvenience. Either that or the Act is a dead-letter with them. No overtime is paid for except perhaps on special occasions, such as race meetings or show time, and then only in isolated cases. The union is strongly opposed to the sections which provide for the accumulation of holidays, as they consider it destroys the principle of a six-days week. The object of our fight is to secure a full day off each week on which the employees will be free from toil. It is not asking too much to claim what all other workers at present enjoy. The hotel workers generally work on 365 days in the year. On all general holidays, when other workers are enjoying themselves, the hotel worker is working his or her hardest. In no other Act of Parliament is there any provision for the accumulation of the weekly half-holiday. If the principle is good it should be made general and apply to all workers. If, on the other hand, it is not sound in principle, then all should be treated alike.

1. *To Mr. Long.*] I have attended several annual conferences of the hotel workers' federation, and the most important matter that has been discussed has been the hours of work and holidays, and especially the weekly day of rest. An application was made to Mr. Justice Sim to add certain boardinghouse-keepers to an award dealing with private hotels. Mr. Justice Sim said it would be necessary for the union to prove that these people were doing the same class of trade and were catering for the same class of people, and were doing so at or about the same tariff as those covered by the award. In the argument that took place I pointed out to Mr. Justice Sim that our award applied to all licensed hotels where the tariff ran from 5s. to 10s. a day, but no discrimination was made as to the wages paid to the employees in those hotels. I pointed out numerous other cases where no discrimination was made in hairdressing saloons, where the tariff was 3d. and 6d., the assistants were paid the same wages. It was no use, Mr. Justice Sim had made up his mind, and that was the beginning and the end of it.

2. *Mr. Hindmarsh.*] So you have never been able to get before the Arbitration Court at all?—Clubs are not supposed to be conducted for pecuniary gain, so they are cut out. In the first application we had clubs inserted. I am not going to say Mr. Justice Sim struck them out, but he suggested that we should.

3. *Mr. Long.*] How many people are employed in clubs, say, in Dunedin and surrounding districts?—I do not know for certain. There are more than twenty or twenty-five. In large boardinghouses an award was also refused.

4. Have you any knowledge of the number of people excluded from the benefits of the Arbitration Act?—They would run to some hundreds, I suppose. In our case we only picked the ones doing the largest boardinghouse business, and there are only about half a dozen of them. I should think twenty or thirty persons would be affected there, but the trouble was that there were many other places in which there were a larger number of them, such as Oamaru, Gore, Mataura, and Invercargill. It was useless for the union to try and bring these places under the arbitration award after the decision of Mr. Justice Sim, so the operations of the union were very much restricted. However, we consider that if these people can be brought within the scope of this Act it will be something.

5. You do not think that these matters can be safely left to the Arbitration Court? You prefer to have the matter dealt with by Act of Parliament?—We are not concerned how we get it done as long as we get it done. If we got fair treatment from the Arbitration Court we would not be so anxious about the Act.

6. You heard the question of Mr. Pryor put to Mr. McLean. He said he would sooner leave it to the Arbitration Court. Your experience of the Arbitration Court has not been a very happy one?—The Arbitration Court only adjudicates in cases brought before it, and the only way cases can be brought before the Court is by the formation of industrial unions. Now, there are hundreds of people—say, a thousand—scattered about, and unions cannot be formed in all cases to assist them.

7. You say where they were organized the Judge refused to make an award?—Yes, the Arbitration Court has that power, unfortunately. The powers of the Court are unlimited.

8. As far as your trade is concerned you do not hesitate to say these powers are exercised detrimentally?—No; and yet I believe the object of Mr. Justice Sim was to be fair. I believe he considered that by joining these people to an award they would be driven out of business.

9. *Mr. Hindmarsh.*] Do you think it would bring ruin on them?—No, I do not. The people we were seeking to join were doing the same trade as other people who were bound under our award, and if it were going to injure anybody it would injure those who were bound. Instead of injuring them other establishments were being opened to cater for the same class of business.

10. You would have thought the Arbitration Court would at least have made inquiries. No evidence was given at all, I suppose?—I think one or two employers were called. My memory is not quite clear about it. When Mr. Justice Sim told me what I would have to do I told him that we could not prove what the tariff was till we summoned evidence. He told me I should have done so. It struck me that as the employers were in the Court I might put them in the box, but when I called the first witness Mr. Scott advised all the others to leave the Court. They did so, and I was left with only one witness, and I could not prove what the tariff was.

11. *To Mr. Pryor.*] The other side gave no reasons at all. They just made a general statement. I did not get an opportunity to conduct my case properly, but while I did not think I got a square deal I am not going to condemn the tribunal.

12. *Mr. Glover.*] Do you not think, if the hotels and boardinghouses were better organized, they would give the concessions asked for without incurring additional expense?—Oh, yes. When they were working eighty hours a week the argument was the same. When they were tied down to sixty-five hours a week they said they would have to increase the staff, but experience has proved, so far as Dunedin is concerned, that they did not have to increase their staff. They either rearranged the hours of the staffs so as to give time off, or they did not comply with the award. The whole of the employees could not take a holiday on the one day. It is not provided in the Bill that they should.

13. *Mr. Veitch.*] You stated that you attended several conferences of the hotel employees covering a considerable period. How many conferences have there been?—I think I attended three or four annual conferences.

14. Have you reason to believe that the hotel employees are practically unanimous in asking for this concession?—Well, they are practically unanimous, but I could not say they are wholly unanimous, because there are people who do not want anything, but when it is forced upon them they take it.

15. You mean to say they are afraid to ask for it, but if somebody else fights for it they take it?—Yes.

16. Are you aware that the Court refused an award to private-hotel employees in Auckland?—Yes. They first refused to join these people to the award in Dunedin. The Court did the same thing in Christchurch as in Auckland.

17. In regard to the ruinous effect alleged this is a fair assumption—that the only ones likely to be ruined are those under the award: they are likely to be worse off than those left out?—Yes, because those under the award are under the award not only as far as hours are concerned, but also in regard to wages, while the people we are trying to bring under the Act are free to pay what wages they like.

18. What you say is that it is not fair to those under the award to allow other people to compete on equal terms without bringing them under the award also?—Most unfair. In Dunedin the boardinghouses I have referred to are doing exactly the same class of trade.

19. *Mr. Wilkinson.*] Would two half-days be practicable?—I do not think two half-days are as advantageous as one whole day. A half-day is not a half-day when you start at 6 or 7 in the morning and finish at 2 in the afternoon. That is really a whole day of an ordinary man's time.

20. We have fairly conclusive evidence that the boardinghouse and hotel proprietors could not run their business if this Act were brought into operation. Do you think it is practicable for them to do so?—One can only answer that as the result of experience. The best proof we have that it will not ruin them is the fact that it has not ruined those already bound.

21. Evidence was brought before the Committee to show that these people could not carry on successfully if what you ask is allowed. We have not heard anything from the other side?—We have only the experience of the past and of other countries to guide us in these things we are asking. They have been tried and have not failed in other parts of the world. When the half-holiday was introduced the same argument was used, and I feel almost sure that when the employers are reconciled to it they will be able to reorganize their staffs so that there will not be difficulties and great expense.

22. Witnesses this morning have prophesied that their business will be destroyed?—In Dunedin, before the union was formed, girls were working eighty hours a week for 12s. 6d. and 15s. To-day they are getting 22s., and the hours are much lower and the tariff the same as it was then.

23. *Mr. Veitch.*] That was a much bigger change than you are asking for now?—Yes.

24. *Mr. Okey.*] Do you know anything about the wages they are working for in clubs?—I know of one case where I can safely say the wages are 20 per cent. lower than in the licensed hotels.

25. Do you think it is a rule of clubs to pay less wages?—They may work on a different system, but where they employ women my information is that they pay considerably less than under the awards.

26. Do you think that the principle of six days a week can be carried out in all trades?—I do not see why it could not. It could be given a trial.

27. Supposing you were carrying on a farm of milkers?—We are not seeking the inclusion of farm labourers.

28. Do you not think it will be the next move?—Well, I suppose if it came to the question there could be a way of getting over the difficulty. Cows must be milked seven days a week. It does not follow that the same person must milk them.

29. If we close the hotels half a day in the week—the day of the holiday—will not that give them half a day holiday? Do you think it is right to close the hotels on the weekly half-holiday?—Closing the hotels would not give the employees a holiday. It would only close the bar. It would relieve barmen and barmaids, but not cooks, housemaids, and porters.

30. You do not think it would be wise to close the hotels?—I do not say anything about closing the bar, because that is all it does mean. The house could not be closed against the public.

31. We have had several lists put in by witnesses signed by employees that they are not asking for this measure of working six days a week, and are satisfied with the present position?—I am not surprised at that. Every attempt to bring the warehouses under the Shops and Offices Act has been met with huge petitions from the whole of the employees. We have had positive knowledge that they do want it, but when a petition is placed before a man and a pen offered to him or a notice of dismissal he chooses the pen. I suggest they have a feeling that if they do not sign the petition their occupation might be gone. I have had sixteen years' experience, and I have had some queer experiences. I have seen petitions signed by officers of unions against some things the unions were agitating for. I just want to say for that reason I do not attach any importance to petitions. I think a person signing in favour of something requires more courage than a person signing against.

32. *The Chairman.*] Would you consider, if an award went against your demands in an Arbitration Court, that you were receiving unfair treatment?—No, I would not.

33. *Mr. Veitch.*] Are you aware that the members of the staff of the Hotel Bristol signed petitions both for and against the Act?—I was not aware of it.

34. *Mr. Wilkinson.*] Are the people you represent in favour of Saturday, Wednesday, or Thursday for the holiday?—They could not all go off at once. My point is that there should be one day's rest in seven.

35. *Mr. Glover.*] Where only two persons are employed in a boardinghouse do you think the people would like to have the same facilities as those who employ more than two?—There are several places in Dunedin where if the Act was brought into operation as it is in the Bill it would deprive some of the workers of the benefit of the Act.

36. *The Chairman.*] Would you be in favour of an optional clause going into this Bill where the employee would get a day's pay instead of a day's holiday?—No, the object we are fighting for is a day, not the price of a day. We have laid it down as one of the laws of the land that a man shall not work on one day of the week—Sunday. If that were not compulsory a great many people would work just for the extra money. Six days' labour is sufficient for any man.

37. Do you not think it should be applied to every business, tramways, steamboats, &c.?—I think it should be possible for everybody to get it, but even if there are those who cannot that is no reason why hotel workers should not get it. I should like to emphasize this: that the hotel workers have to work on the statutory holiday—those are their hardest days—and they get nothing extra for it.

TUESDAY, 19TH AUGUST, 1913.

ARTHUR ROSSER, representing the Grocers' Assistants' Industrial Union of Workers, Auckland, examined. (No. 18.)

Witness: The Auckland Grocers' Assistants' Union has been formed since 1901. We are now in the currency of our fourth award. The struggle has been to reduce hours, more so than to increase wages; indeed, we have only asked for one increase of wages in twelve years. In 1903 there was a system by which grocers' assistants were compelled to work fifty hours per year without payment of overtime. In 1906 fifty-three hours per week was provided for, and the total number of hours to be worked without overtime payment was reduced to forty hours, but it was limited for certain months. In the eleven months of the year from January to November no more than two hours per month could be worked. That made twenty-two hours; and for the three weeks immediately preceding Christmas three hours per night on three nights per week could be worked, or eighteen hours, making a total of forty hours for the year for which no payment was given. During the currency of that award the Shops and Offices Act, 1910, came into operation, and when our award expired the Shops and Offices provisions took effect and further overtime was abolished. I have given you these details to show you that the Grocers' Union has been one that has suffered as much as any union from overtime hours. The Shops and Offices Act, 1910, was regarded by the Grocers' Union as a distinct advance, and now by the award which came into operation in October last year the hours are not mentioned. We are governed by the Shops and Offices Act, so it intimately affects the men I represent. I would like to say, taking the Bill seriatim, that there is a difference in the definition of the word "occupier" on page 2, line 26: "'Occupier' means any person occupying any building, and includes any agent, manager, foreman, acting or apparently acting in the general management or control of a shop or office; and, in shops and offices occupied by a body of persons, corporated or unincorporated, also includes the

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

preceding these days respectively." Well, they should be paid for that. We believe that they have no right to work the men on New Year's Eve and Christmas Eve—exceptionally heavy days—without paying for it.

2. Supposing they received an equivalent holiday, what then: even then they should be paid?—Yes. Working under pressure as they do they cannot enjoy the holiday. I have seen numbers of my union as limp as worn-out rags, unable to use it. We consider there should be some relief when they work under pressure. Subsection (3), section 8: "Provided that the hours of employment under this subsection shall not exceed the hours limited by paragraph (*a*) of the last preceding subsection by more than three hours in any one week." The grocers' assistants had to work under that until the award superseded it, but we are not in favour of working overtime. There should be some system of regulation for overtime, and we believe this should be safeguarded by the use of permits by the Inspector of Factories, the same as in clause 27, subsection (2). This provides for hotels: "Such working-hours may be extended for not more than three hours in any one day, nor more than ninety hours in any one year. Written notice of the extended time worked is to be given to the Inspector within twenty-four hours thereof." We consider the shops should be under the same regulations as hotels. There is too much trusting to the honour of the shopkeepers. They are only human. In fact, the hotelkeepers have a higher character. They are the best characters you can put into the business, according to the papers they have to furnish. Yet we cannot trust these men of honour, but the shopkeepers are treated on their word of honour. Shops should be treated as hotels, and overtime regulated by permits. From 9 down to the end of 10 we consider reasonable, but with regard to 10 it is more often honoured in the breach than in the observance. The provisions are right—they can be enforced—but there are shops in which seating-accommodation is provided, but heaven help the woman who avails herself of it! They are not allowed to use these seats, and if they do a system of signalling is resorted to. The word goes along, "Hist, here comes the shop-walker!" and they start up till he goes by; but they need it all the same. Clause 12, the weekly half-holiday: The only thing in that I would like to see is a new clause for a compulsory Saturday half-holiday in the four chief centres.

Mr. Okey: You will never get it in.

Witness: It is merely a suggestion on my part.

Mr. Okey: It is left to the people.

Witness: It is in force in Melbourne and Sydney under the Act.

Mr. Okey: We tried it here, but the House would not support it. I moved and voted for it myself.

Witness: The intervening clauses up to page 11 we have no objection to, but in clause 17 (I am speaking now personally) I say there will be a difficulty in administering the latter part of subclause (*a*): "Provided that the provisions of this paragraph shall not be deemed to authorize a book-stall keeper on a railway-station or wharf to carry on his business on the Saturday closing-day except for the purpose of supplying *bona fide* passengers." The Devonport Ferry Company issue annual family tickets, and it would be very hard indeed to differentiate between them and casual on the wharf.

3. *Mr. Anderson.*] Does the union require the book-stall on the railway-station to be closed?—No, I do not think they should be, and if necessary the ticket should be produced; but there is a difficulty where it says "*bona fide* passengers" on the ferry steamers where families are carried for £5 a year.

Mr. Davey: Well, we can take a note of the objection.

Witness: Then, page 12, clause 18, subclause (*c*)—we approve of that: "Where any such special day falls on a Monday the occupier of a shop that is usually closed for a half-holiday on Saturday may, if he observes a whole holiday on Monday, keep his shop open on the Saturday next preceding such special day, provided that he has closed his shop at one o'clock in the afternoon of some other working-day in the week." That is a new provision, and it will settle the vexed question as to which day a man can keep open as a compensation. Then, clause 20, the 11th line: "Where a person is the occupier of both a shop and a factory, and employs any person partly in one establishment and partly in the other, such last-mentioned person shall for the purpose of the Act be deemed to be employed exclusively in that part of the establishment in which he is chiefly employed as certified by the Inspector." I would like to compare this with clause 21 of the 1908 Act. This is an extension of the clause to cover the purposes of the whole Act, whereas in the 1908 Act, clause 21, the words were, "for the purposes of the weekly half-holiday and the wages therefor." Now it is proposed to increase it for the purpose of this Act. We object to increase the scope of the clause, because it was clear that so long as the half-holiday and the payment for the half-holiday were not called into question they were treated the same as other shopkeepers. Now it is "for the purposes of this Act," which widens the scope. And then, in regard to clause 33, there is a further sweeping provision that the offices and shops shall be closed "not later than one o'clock," but this proviso takes away the provision. The union wants to know whom this clause does not exempt: "Provided that this section shall not apply to shipping, railway, tramway, mining, newspaper, telegraph agencies, cable companies or telegraph companies' offices, or offices of freezing companies, or offices of forwarding agencies, or offices of solicitors, auctioneers, banks, Harbour Boards, insurance companies, wholesale warehousemen, wool-brokers, wool-buyers, or miners' unions." There are very few people the Act would refer to after these exemptions were made. Why exempt the miners' unions more than other trade-unions? We say, if it applies to the miners' unions, it should apply to all offices. Take my office: I am not allowed to have a girl back. Why should miners' unions be allowed to bring back their employees? I do not want to bring my girl back, but why provide a loophole?

4. *Mr. Anderson.*] You would not get on without the cable companies?—That is a matter of urgency; but why should a girl be exempt in an auctioneer's office and not in a grocer's office? Clause 35: "The ordinary wages or salary of every office-assistant shall be paid for the half-holiday hereinbefore provided, and for any holiday or half-holiday mentioned in section eighteen hereof at the first regular pay-day after the half-holiday or holiday." That is a necessary provision, but there is no provision for the payment of wages in general or for a wages and time book. It assumes that the general wages will be paid correctly, and therefore that the half-holiday wage will be paid. I should like to point out that this Act provides that a person shall not work *after* a certain hour, but it does not say shall not work *before* a certain hour. In Auckland girls are sometimes brought on at 7.30 in the morning. I think there should be certain hours of work, and that the Act should stipulate those hours. Clause 56 (I have finished speaking for the union) provides: "Nothing in this Act shall be deemed to prohibit the sale at any time of newspapers on any premises where the same are printed or published by the printer or publisher, or by any assistant of any or both of them." Does that affect boys selling in the streets or delivering at the door? Is it clear? Because, if so, it affects the evening paper in Auckland and not the morning paper. My last point is in the schedule, page 25. I have conducted every hairdressers' dispute before the Council and Court in Auckland, and I consider some attempt should be made to bring the hours for hairdressers into conformity in the four chief centres. In Auckland the closing-time is 9.40, in Dunedin 9.15, Christchurch about the same, Wellington 9.15.

5. *Mr. Bollard.*] You say Sunday trading is carried on now in Auckland: who carries on the Sunday trading?—Lollie-shops and confectioners' shops. I am not saying much about the refreshment-shops, although I never patronize them. The confectioners' shops are a source of temptation to children on Sunday. I know one shop where the proprietress takes her rent on Sunday. The police will not prosecute after Mr. Kettle's decision. I object to a child going to Sunday school with 3d. or 1d. being tempted to spend it on sweets instead of it going to its proper destination.

6. Would you stop the supply of soft drinks?—Not if consumed on the premises.

7. What about the Kiosk: they serve tea and other refreshments?—I have no objection to that.

8. Now, in regard to the extra hours of shop-assistants at Christmas and New Year, do they not get an extra holiday not provided in the Act? Would that not compensate them for the extra time?—If you take the extra time and allow them time and a half you will find they are not nearly compensated. They work eight hours from 7 to 11, and calculated at time and a half that would be twelve hours.

9. *Mr. Clark.*] Do you think it would be fair to exempt country auctioneers who sell cheap meat to the workers on the half-holiday?—Treat them as ordinary butchers.

10. In Dunedin they sell at less than the butchers, and the workers get cheap meat. If you are going to close them you are going to play into the hands of monopoly?—I do not know what takes place at Dunedin. I would not object to that.

11. *Mr. Okey.*] Do you not think Sunday trading should be cut out altogether as far as the employees are concerned. Why allow Sunday trading at all?—That is what I cannot understand—why we should prohibit it in the awards—in the grocers' awards. It should be in all cases. It should be in the confectionery trade. That is a point I would make specially.

12. In the case of a partnership do you think it right that only one member of the firm should be allowed to come back? Supposing a son wanted to dress the window while his father looked after the books?—As long as it is a *bona fide* partnership; but it is liable to abuse, as families are exempt. We are satisfied with the present clause in the Act, and that is that one person can be registered, and only one person.

13. You want the hours stated in which a girl must work. Supposing a girl wants a holiday, and is willing to come back and do some typewriting early?—Well, it is open to abuse. For instance, there are cases under the Arbitration Act where no worker can contract himself out of the provisions of the award. That may work hard in some cases, but it is for the common good. To a reasonable employer there is no need to prescribe the starting-hour, but there are others who are not reasonable. One clause I have missed—clause 43, with regard to fifteen minutes beyond the prescribed time. We object to any fifteen minutes' grace. It was not so in the old Act, and we in Auckland have had to suffer right up to the present time; offices there interpret it in a different way to those in the South. A decision of Chief Justice Stout in the case of Archer *v.* Le Cren is very clear. Our people are allowed to keep open till 9.30, and if the Inspector sees an assistant working after a quarter past 9 he reckons it is no offence because they are allowed a half-hour's grace. We object to any grace at all.

14. *Mr. Anderson.*] If they are serving a customer would you allow them to complete the sale?—Yes, but the doors should be closed.

15. Supposing several customers were waiting in the shop, would they have to walk out?—They deserve to for putting it off till the last minute. Close the doors; that would meet the case.

16. *Mr. Clark.*] You are in favour of closing confectioners' shops on Sundays, to prevent the children wasting their money. Would you be in favour of closing hotels on the half-holiday to save the men from wasting their earnings?—I am a lifelong abstainer and a Prohibitionist. I would close the hotels altogether if I had my way.

17. *Mr. Grenfell.*] You are aware that the case Archer *v.* Le Cren was only decided last year, and it was a test case for deciding the intentions of the Legislature? Prior to that was it not an understanding that they should have half an hour's grace to clear up the shop?—Yes.

18. So that you recognize it is reasonable that a certain amount of time should be given to allow employers to put their shops in order?—Yes, so long as it is restricted, and no actual sale of goods is allowed. I am in favour of working overtime if it is actually necessary. A well-regulated shop has a man to put up packages and tins and make up orders.

19. Would you support employers having the right to ask their employees back to make up orders?—Under a permit system I would do it.

20. Is there not sufficient protection to the men when the employer knows that he will have to pay time and a half and the Labour Department has the right to inspect the wages-book?—No, not sufficient.

21. Surely the men are able to protect themselves?—We are strong for the permit.

22. Is it not a fact that in the award the 2nd January is given—that it is not a regular holiday under the Shops and Offices Act?—Yes, but it has always been allowed in Auckland as much as New Year's Day. The "steeple" is run on that day.

Rev. J. DAWSON, representing the New Zealand Alliance, examined. (No. 19.)

Witness: We desire to bring before you the recommendation that there should be included in the Shops and Offices Bill a new clause—subsection (3) to section 13, in reference to the hotel-bars being closed. We suggest a new subsection to read as follows: "On the statutory closing-day it shall not be lawful to sell any intoxicating liquor as defined by the Licensing Act, 1908, on any licensed premises as defined by the said Act, whether in a separate or combined district, after the hour of one o'clock in the afternoon." This clause is drafted on the one which applies to election day. We suppose that the clause as there embodied under the Act is an effective one, and we suppose it will be effective on the half-holiday. The reasons that actuated us in seeking the amendment are, first, in the interests of labour. We think it is equally important that those who labour in the bar should have a settled day as it is for any other section to have a trade holiday. We want to emphasize this: that we want to deal with the bar trade only. We do not ask that the hotels shall be closed. We recognize that they have a legitimate business to carry on, but the bar trade is not part of that. The bars can be closed to the benefit of all concerned, while providing for the travelling public is a necessity. The second reason is in the interest of general trade. We are satisfied from what takes place the general trade suffers because the bars are open on the half-holiday. The money goes in that direction, which in the general interest ought to go to general trade. Our third reason is the most important one. It is the interest of the well-being of the community that there should be these restrictions to the bar trade as is imposed on other businesses. In fact, it is more important. The waste of substance, the waste of strength, the amount of drunkenness, amount of crime, that is created through the bar being open while men have time on their hands, we submit, so far unfits men for their work that the bar should be closed for every moment of the statutory half-holiday. Speaking generally, they do a cash trade. They scoop up the money, and leave the men for the necessary trade short of money. And now in reference to clause 27. We should like to see that clause restricted also. Fifty-eight hours is provided in that section. It is too long a time for a woman to be asked to work. On five days of the week they may be called upon to do eleven hours' solid work, and for three hours on the holiday. If we rightly understand the clause they may be called upon for an extra three hours on any one day, or ninety hours during the year. We think, at any rate for barmaids, the hours should be shortened. We urge that the employees should have one day's rest of twenty-four hours in every seven days. Indeed, we believe it is in the interests of the community that the bar traffic should be brought under the Shops and Offices Act, and that they should not be allowed to open the bar before 8 o'clock, nor to continue after 6 o'clock.

Mr. Davey: You are going outside the order of reference. This applies to the Licensing Act. It does not come in the Act we are considering.

Witness: I appreciate that, but I wish to indicate that such are our convictions, if I may be allowed to mention it. As representatives of the No. 3 Alliance we know there is a very general demand for the half-holiday to apply to hotel-bars as much as to any business. A large number of petitions have been brought from Auckland to Parliament this session asking that this shall be done, and we earnestly urge this amendment to section 13 be part of the Bill.

1. *Mr. Okey.*] You say "just the same as election day." Do you know that the bars are opened at the close of the poll? Do you suggest that?—Our suggestion is that they shall not sell after 1 o'clock.

2. *Mr. Anderson.*] It has been suggested by another witness that lollies and confectionery are sold at Auckland on Sunday?—It is not confined to Auckland: it prevails in Wellington.

Rev. Mr. COMRIE, representing the New Zealand Alliance, examined. (No. 20.)

Witness: I appear to support Mr. Dawson, and to emphasize the point he has made that to keep the hotels open on the half-holiday leads to an excess of drinking that would not prevail on another day. Many men spend money directly they receive it, and the first channel is the one that receives the money. I knew a farm labourer who would work for three months, and when he received his cheque he would buy himself a suit of clothes, boots, and other requirements. He then went to the publichouse and never left it until his last penny had gone. If the public-house was open and the shops closed, the chances are he would have to go back without the necessities. That may be said to be an extreme case. Well, perhaps it is; but to a large extent that

is what happens on the half-holiday. Men find themselves at liberty, and if the shops are closed they go to the hotel-bars, and their wives and families have to go without. We submit it not only gives the hotels an unfair advantage over the shops in business competition, but it is also against the best interests of the community. While we as an Alliance are not concerned with the hours of labour, we feel we have a great deal of sympathy with those who seek to reduce the hours of labour within reasonable limits, and the fact that a female can be employed eleven hours a day, with the possibility of three hours extra, making fourteen hours in one day, appeals to us a very wrong state of things. The half-holiday needed for the rest of the community should also operate in favour of those who work in hotel-bars. We are strongly in favour of one day's rest in seven, and we desire, as far as possible, that it should be for all purposes on the same day, and that the day which is regarded in a Christian community as the day of rest. But we recognize that it is not possible for those who cater for the wants of the community in the way of food and other necessaries to all have the Sunday off. We submit that no hardship would be entailed in asking that the hotels should be closed on the half-holiday, as on election day, but without reopening at 7 p.m. We submit that no member of Parliament wishes to repeal that provision. The reason we adopted that provision was that we believe it has been found to be practicable as well as salutary.

1. *Mr. Bollard.*] Are you in favour of abolishing hotels altogether?—Hotel-bars, sir.

The Chairman ruled the question out of order and did not allow any further reply.

WILLIAM STEWART WALLACE, Chemist, Wellington, examined. (No. 21.)

Witness: The chief point we want to draw attention to is paragraph (iv), subsection (*c*), clause (1), section 17, *re* half-holiday: "Notwithstanding anything in this Act, it shall not be unlawful for any chemist or chemist's assistant who resides on the premises of the shop to supply at any time medical or surgical instruments that are urgently required." We represent no body of chemists, but we feel that if we have to keep our shops open for the benefit of the public we should not be restricted to what we should sell, provided we sell our ordinary stock-in-trade.

1. *Mr. Anderson.*] Do you mean ordinary stock?—We mean everything in the shop.

2. Supposing chemists stocked tobacco and cigars: I am talking about country chemists?—By doing that they are bringing themselves within the ordinary provisions of the Act. We in Wellington have agreed by a three-fifths majority to close at 8 o'clock because we believe the hours are unnecessarily long. Some people take advantage of this little clause here, and are selling goods after hours which cannot properly come under the heading "Medicine or surgical appliances." They go on the system that anything asked for is urgently required. Our suggestion is that you should define what the clause empowers. One or two glaring examples in Wellington make it exceedingly difficult to carry on with them. When the Department sets traps the Magistrate takes it upon himself to be very nasty to them—to the trap, not to the man who gets his customer to break the law.

3. *Mr. Clark.*] In some places chemists sell tobacco and so on. In small towns they could not live if they did not?—There is nothing in the law to stop a man from keeping his shop open if he does not employ anybody.

4. *Mr. Okey.*] Have you any objection to chemists being rung up in case of emergency?—No; we treat it as a duty. We are actuated by sentimental motives, I suppose. We have no wish to stop that.

FRIDAY, 22ND AUGUST, 1913.

ROBERT MAYALL examined. (No. 22.)

1. *The Chairman.*] Whom do you represent?—The Dunedin and Suburban Operative Butchers' Union of Workers.

2. Have you their authority?—Yes. [Document produced.]

3. *Mr. Hindmarsh:* I should like to interpose here. The secretary of the Auckland Butchers' Union gave evidence the other day, and he handed me this paper as containing what they want. Now, if this witness were to read it over and say that this is all he wants it would save a good deal of time.

Witness: I understand that it is practically the same.

The Chairman: The clerk will read over this statement that Mr. Hindmarsh has, and if the witness endorses it he can say so.

The Clerk then read the statement, as follows:—

"*Suggested Amendments to Shops and Offices Act, 1913.*

"Clause 2: Date of Act.—Proposed date, 1st April, 1914. Date suggested, 1st January, 1914.

"Clause 3: Registration.—Required that this clause shall be amended so that it shall not be possible for a firm to register its first shopman as registered occupier, and deprive him of the privileges of the Act. First shopman in our case is a worker who at present receives £3 per week by an award of the Court of Arbitration.

"Clause 4: Time and wages book.—Section 2 of this clause provides that signature of worker shall be taken as certificate of accuracy. This is wrong, as it would facilitate evasion of Act. Employee often signs the book, which is afterwards found to be incorrect.

"Clause 5: Section 3.—Clashes with definition of 'shop-assistant' as defined in clause 2.

"Clause 6.—This clause enables a butcher's employee to commence work at 4 a.m. Suggested amendment that it be 6 a.m., also that closing-hour should be 5 p.m., which were the times stated in Auckland butchers' awards for thirteen years.

"Clause 8B should be amended so as to limit hours on half-holiday to five, and clause 8C amended to provide for a breakfast-time before 8.30 a.m.

"Clause 17B should be amended by striking out 'butchers.' There is no reason why butchers should not have Saturday half-holiday when carried by a poll of electors.

"Clause 25.—A man hawking meat for an employer would be in the same position as a registered occupier of a shop. In the case of a worker this is wrong.

"Clause 43.—This clause should be struck out; not required. If not struck out it should be stated that the quarter of an hour is to be reckoned in usual day's work—*i.e.*, nine hours.

"Clause 55: Attendance on horses.—Should be made clear that the quarter of an hour provided in clause 43 shall not be used to evade this clause.

"Clause 7.—The total number of hours to be worked on Christmas or New Year's Eve should be limited to eleven."

Witness: Yes, that is practically the evidence that I was sent here to give, and I was to lay particular stress upon the closing-hour. At the present time in Dunedin most of the butchers close at 6. Some close at 5.30, but the majority at 6. All the employees connected with that particular trade commence work not later than 7 a.m., and very often before—some at 4.30. We contend that if a man in a particular trade is compelled to be at work an hour, or two hours, or two hours and a half before other trades he should get off earlier in the evening. There is no reason at all why a butcher's shop should not be closed at 5 o'clock. It has obtained in at least two of the four centres for years. Drapers and other such trades do not commence work until the shop opens, but they all close at 6, exactly the same as the butchers. The employers say it is necessary for the butchers to be at work early in the morning, and I believe it is, especially in the summer-time. Still, they do not want to be at work at both ends of the day if they can possibly avoid it. That is practically the evidence I was sent here to give, and I will not take up any more of your time.

WILLIAM MORGAN EVANS examined. (No. 23.)

1. *The Chairman.*] What are you?—Fruiterer and confectioner, Queen Street, Auckland.

2. You want to give evidence on behalf of——?—The fruiterers and confectioners of Auckland.

3. Have you got your authority?—No, I have none.

4. Do you wish to make any statement in reference to this Bill?—Yes.

5. Will you please state your views as briefly as possible?—The only point I wish to speak about is the hours of employment for males.

6. *Mr. Davey.*] What particular clause?—The schedule at the end, providing for 10.30 on week-nights and 11 o'clock on Saturday night. I may say that this has been the law for the last three years, but it has not been enforced. If it is enforced now it will mean that I shall have to take charge of my shop at 10.30 till 11.30, which means that I shall have to serve perhaps two hundred customers between 10.30 and 11.30. The Auckland members no doubt know the big trade I do. I employ six or seven hands through the summer months. All places of amusement come out at from 10.30 to 11 o'clock, and the people pass my shop going to the railway and the ferries. I suppose three or four thousand people come down my way between 9 o'clock and 11 on Saturday night. We want an extra hour.

7. You want 11.30 for the late-closing night?—Yes. With regard to clause 5, I should like an extension till 10 o'clock for female labour. With reference to employing female labour at nights, if I put a table in at the back of my shop with a teapot on it I can keep a girl there till 12 or 1 o'clock, but as I have a fruit-shop and sell drinks she has to be out of the shop at 9. She cannot serve a drink in a fruit-shop after 9, but she can serve out tea in the back shop. I think that is very wrong. Fruit-shops should come under the same heading as restaurants. In Sydney under the last labour laws they allow the fruit-shops to keep open on Sundays. As you know, fruit is a catch line. I think we ought to be left entirely alone from all laws. If we send our hands off we cannot supply the public, and the result is loss all round, to the growers and the dealers. I may say that the number of male employees in the fruit business in Auckland is about twelve—I mean in the retail. It is chiefly female labour.

8. If the fruit-shops were kept open on Sunday as you suggest, what about the labour employed therein—how would you pay them?—They would come under the same clause, I suppose, as hotels or restaurants.

9. Then if the fruit-shops were open on Sunday you would have to give a whole holiday a week to your employees?—Yes. We are not asking for Sunday trading. I am simply telling you of the liberty they have in Sydney.

10. *Mr. Glover.*] Do you agree to forty-eight working-hours a week for girls?—No.

11. You were speaking about closing when the theatres and places of amusement come out at 11 o'clock at night. Do you think that would be detrimental to the travelling public who go home by the trains at 11.20? And the people travelling by the ferries would be inconvenienced?—I could not serve them if I had to be in the shop alone.

12. You could have no assistants there whatever?—I might bring my daughter along, but she would not like it. Anyway, it would be useless in a shop like mine. I want four or five hands.

13. Then a great deal of the volume of your trade is done after the places of amusement come out?—The best part of the day with me is from 10.15 till 11.15.

14. *Mr. Okey.*] A train leaves Auckland every Sunday evening at about 9.30. Would it be an advantage to the travelling public if you could open one hour before the train leaves?—Personally I think it would be an advantage all round. But I am not asking for Sunday trading.

15. *Mr. Pryor.*] I would like you to explain to the Committee a little more clearly the class of business that you do, especially in the evenings. You sell fruit to the people who are going home from the theatres and places of amusement, and also "soft" drinks?—Yes.

16. You do a very large business in that sort of thing?—Yes.

17. People come in by the hundred after a quarter past 10 at night for the goods you sell?—Yes.

18. To what time do the trams run?—Up till 12 o'clock.

19. And the ferry-boats?—All night.

20. What you say is that a considerable volume of business is done by you between the time the places of amusement come out and the time the trams and ferries leave?—The bulk of the trade.

21. Are you aware what hours are provided in the schedule of the present Bill for employing girls in your shops?—Fifty-two.

22. But the time to which you may employ them?—10.30 and 11 on Saturdays.

23. To what hour do you employ your girls?—We are generally clear at about 11.15 or 11.20. We are generally out by 11.30. No girls are employed at night after 6.

24. This schedule has not been put into operation in the past as far as your shops are concerned?—No.

25. What you are asking now is that the schedule should be brought into keeping with the practice of the business: that is about all, is it not?—Yes.

26. You are not asking for something additional to what you have already got?—It has not been enforced.

27. You have been working up till 11.30, and you are asking for that right to be prescribed by law?—Yes.

Mr. Davey: That is 11.30 every night?

Mr. Pryor: Yes.

28. *The Chairman.*] How do you pay the men in your business—by the week?—Yes. They come on at different hours of the day. Two men come on at 6 o'clock.

29. *Mr. Pryor.*] You are not asking for any increase in the hours per week—you are not asking for more than fifty-two hours?—No.

30. *Mr. Davey.*] You said that the Act has never really been brought into force in Auckland as far as the schedule is concerned. Were you ever checked in any way by a Government Inspector for keeping open after hours?—No. There has been no interference whatever in the fruit business.

FRANK MAKIN WHITEHEAD examined. (No. 24.)

1. *The Chairman.*] What are you?—Restaurateur and fruiterer and confectioner.

2. At Auckland?—Yes, Queen Street.

3. Will you state your views as briefly as possible?—In the first place I would like to see the half-holiday made movable. In restaurants it is very awkward. A hand is supposed to get off on a certain day, and something happens—a couple of hands, perhaps, are off sick—and we cannot possibly get a hand on at that particular time. You may have three, four, or five hands away on a particular day, and then you have one or two half-holidays to get through, which is practically impossible. They are making it now, I think, that we must get them off on a certain day. In restaurants we cannot possibly do that. It would be better to say that they must have a half-holiday in the current week. It would give us a better chance.

4. You want to have the choice of the day?—Yes, in the current week. As for females in fruit-shops, 9.30, I think, is in the Bill. I should like to see that extended half an hour, to 10 o'clock. We are not asking for any extension of fifty-two hours a week. Our trade in Auckland is all done at night-time, and we have to take charge of the shop after our hands go off. If we could work our men to suit our business it would make a big difference. With regard to the wages-book, it is provided in this Bill that we are to keep it two years after the book is filled. We think that six months would be ample.

5. There is no difficulty about holding it for two years, is there?—A man might be out of business, but he is still liable.

6. *Mr. Hindmarsh.*] It is only a matter of store room, is it not?—You do not know where a man might be.

7. *The Chairman.*] You would not be liable if you were out of the business, would you?—Then why keep the book for more than six months? I think that is a reasonable time. Then, in clause 5, subclause (3), it is provided that the husband, wife, and children are not to be counted in as employees, while in clause 26, subclause (6), the husband is left out of it altogether. I do not know whether it is accidental. As for six days' work a week, as far as restaurants are concerned it is absolutely impossible. For instance, if I have three waitresses in one establishment, I have to employ another waitress to relieve. She relieves the waitresses and the pantry hand perhaps for three days or four days a week. Then she has a day off herself, and then for

two or three days you have no need of her. If she could relieve the cooks that would not be so bad, but she cannot. You must put on a chef to relieve your chef. A second cook cannot carry on a large establishment—not for the dinner. In the large hotels where they have a chef who is walking about with his hands in his pockets it might be done, but in a restaurant it is altogether different. In nearly every restaurant the second cook could not take over the dinner. If you ask the chef to relieve the second cook he says No, and if you ask the second cook to relieve the third cook he says No. You must get a chef to relieve a chef, a second cook to relieve a second cook, and so on. That practically means that we shall have to get casual labour so as to work it, and where are we to get casual labour? Exhibition time is coming on, and we shall not be able to get even casual hands.

8. *Mr. Anderson.*] You say you would have to get a second cook to relieve a second cook, and a third cook to relieve a third cook: do you ask us to believe that?—You would not get one chef out of four or five who would take a second cook's job.

9. *Mr. Okey.*] You want to be able to keep your employees an extra half-hour. Do you think there would be any objection from your employees in the shop to that?—It is hard to say. I do not anticipate any objection as far as I am personally concerned.

10. What number do you employ now?—Altogether, in the two restaurants and the shop, about twenty hands.

11. Do you anticipate any objection from them if the law allows them to work a further half-hour?—No. I am speaking of the shop. It is only for the females that we ask it.

12. *Mr. Pryor.*] What about the male employees: do you also desire the extra hour in addition to the schedule time? Does your business require it?—With a fruit-shop we have the trains going away. One train leaves at 12 at night. We have people coming down to the shop as late as 11.30.

13. You do a very considerable night business?—The best part of it is done at night. It is more night than day.

14. You do a very considerable business after theatre time?—After 10 o'clock really. From 10 till nearly 12 the place is practically full.

15. You are allowed to do that business now?—Yes.

16. And you only ask that that right should be continued to you?—That is so.

17. Would it represent a very considerable loss to you if the right were taken away and you were not allowed to employ your hands after 10.30?—On Saturday night after 10 o'clock, when the publichouses close, the men come in for supper. We have anything from one hundred to one hundred and thirty in the dining-room, and these people come out half a dozen at a time. Well, I must keep a male hand with me in the shop to see that I get the money. Under this Bill I should have to stay in the shop by myself, and I would be behind the counter, and people would walk out without paying. And there is the shop: it is very busy, and has to be attended to just as well.

18. *Mr. Davey.*] Is it attached to the restaurant?—Yes; they must go through the shop to pass into the restaurant.

19. *Mr. Pryor.*] You have a restaurant and a fruit and confectionery shop combined?—Yes.

20. It is absolutely essential, in order to enable you to carry on the business, that you should have the right to work your male employees for an hour later than is provided in the schedule?—Yes; and I would have to come down every night myself to close up, besides the rush nights.

21. *Mr. Long.*] You say that you employ twenty hands. How many of those are employed in the shop?—There would only be one regularly employed, but in busy times we have two or three.

22. What time are you asking that the female shop-assistants should be allowed to work to?—From half past 9 to 10 o'clock.

23. You told the Committee that the full day off is an impossibility, and that it would require you to employ an extra chef. Who relieves the chef on his half-day now?—The second cook. We have our dinner from 12 to 2. We do not have our dinner at 6 o'clock like they do in large hotels. Therefore when we let our cook off for his half-day the big dinner is over, and the second cook can carry on then.

24. Is not the Cafe Cecil open to supply meals all day long?—Yes, from 7 in the morning till about a quarter to 12 at night.

25. The second cook is competent, then, on the chef's half-day, to take charge of the kitchen?—Yes, after the big dinner is over.

26. Have you never had a second cook that was competent to do the work?—I may have had one; but I have tried men that I have had, and they could not do it.

27. With respect to the half-holiday, you complain that there is something in the Bill that will compel you to give your hands a half-holiday on some particular day. What clause in the Bill is that?—I only know that one of the hotelkeepers was fined in Auckland two or three weeks ago because he did not give the regular day. So I was told—I could not swear to it.

28. Are you not aware that subsections (4) and (5) of clause 27 leave it open for the employer to give the servant a holiday on any day he or she thinks fit?—[No answer.]

29. *Mr. Pryor.*] You are quite satisfied to give a half-holiday so long as you can make it changeable in the week?—Yes.

30. But clause 30, you are afraid, will compel you to give a certain fixed day for each employee?—Yes, and it is impossible, especially with the exhibition coming on.

31. Have you been compelled by the Labour Department to have it so fixed?—It is an understood thing in Auckland that we are to do it, but they have not been to me personally.

FREDERICK PRIOR examined. (No. 25.)

1. *The Chairman.*] What are you?—A restaurateur, in Queen Street, Auckland.

2. Will you please state your views as briefly as possible?—While you are on the half-holiday question I should like to say this: there is a half-holiday book. At the top of the page is the heading, "Name, Occupation, Day of Half-holiday."

3. What clause are you referring to?—Clause 30. Say that Miss Brown, waitress, had her half-day last Wednesday. On this Wednesday circumstances have arisen which make it inconvenient to let this girl off. Can the employer say to her, "Miss Brown, instead of going off to-day you can go off to-morrow." I maintain that an employer cannot do that, and we have been instructed in Auckland that we are not allowed to do it. You certainly have the privilege of fixing the day, but you cannot change it afterwards. Those are the instructions I got, at any rate, from the Auckland Inspector. And not only that, but at a meeting we had last week another restaurant-keeper and confectioner reported that he was distinctly told by the Inspector that he was not allowed to change the day for any of the employees.

4. *Mr. Davey.*] That is under the old law?—I think it is the same in this Bill.

5. But extra provision is made that restaurant-keepers shall give one whole holiday in every week?—As far as the whole holiday is concerned I do not think it is practicable. It is all very well for Mr. Long to criticize what Mr. Whitehead says in regard to chefs, but I maintain that if you have a chef and are running a decent business the second cook cannot take the place of the chef, except it is a very exceptional case. If you give a half-day off the principal part of the work is done when the dinner is finished, because with a good many of the restaurants the midday meal is the principal meal of the day. But if you have a dinner after that it is where the second cook cannot come in, and in such a case I maintain that if you are compelled to give a whole holiday you practically must have two chefs. I should like to mention another matter: I and others in Auckland run business that is practically one-meal-a-day business—that is the midday meal. Sometimes we do a fair tea, and at other times we do scarcely anything. We have under our award been allowed to employ midday waitresses. The hours with them are from 11.30 to 2 o'clock. In the first award that we had provision was made as follows: that the hours should be from 11.30 till 2 o'clock on the six working-days, and that Sunday hours should be fixed by arrangement. Then a clause provided that any work done in excess of the hours specified or outside of the hours prescribed should be paid for at the following rate: Workers receiving £1 10s. or less, 9d. an hour; workers receiving more than £1 10s., time and a half. That award expired in 1910. A new award was sought for, and we asked for the same conditions. In his award the Judge dealt with various things, and he made a memorandum at the bottom in which, when he came to the hours, he stated, "Parliament has stepped in and made an amendment to the Shops and Offices Act which provides for your hours and rate of overtime. The hours of work and rate of overtime for workers coming within the scope of this award are regulated by the Shops Amendment Act, 1910." Now let us suppose the following emergency arose, just by way of illustration: To-day I have three permanent girls in my room off for a half-day. One of the permanent hands has not turned up this morning, and at about half past 1 I get a ring on the telephone that the father of one of the others wants the girl home because her mother has fallen down and sprained her ankle. That leaves me five girls short. If I say to one of these midday waitresses, "Miss Smith, Miss Jones is not here; I want you to come back to serve the tea for two hours," I have to pay her 3s. an hour for it. The union might say, "Well, you could have her all day." We do not want her all day; we have too many there now. All that we ask is that we have the right to employ these girls in any emergency in which we want them. We do not want to make a practice of it. The only time when we utilize them is in an emergency like that, or perhaps at race time. You cannot get casual labour on a race day. Not only that, but it is more convenient for you to run your business with your employees that you know. However good a casual hand might be she is strange. We ask for the privilege of bringing these midday waitresses back, and I think we are justly entitled to it. We have been allowed to do it until about three months ago. We paid these girls for the time we brought them back 1s. an hour. We know that the wages a midday waitress gets are not sufficient to keep a girl, but they help. One of my own midday waitresses is a widow lady with two children. She receives a small compensation payment and lets a room to a couple of girls, and this money that she is able to earn in midday helps her to get a living. Then, other women get hold of a husband who is a "waster" and will not keep them, and they have to fossick out their own living; and I think these people should have the privilege of earning this money, which they are justly entitled to. You cannot employ these particular people all day long, because they are not in a position to accept such a situation. There is another very important thing that I think wants looking into. Clause 46 provides, "All proceedings in respect of offences against this Act shall be taken in a summary way on the information or complaint of an Inspector, and shall be heard before a Magistrate alone." We want tacked on to that, "Provided always that every complaint made to an Inspector must be accompanied by a sworn affidavit as to the facts regarding the said complaint." Our friends at the other end of the room are laughing. I do not know whether they are responsible for sending the departmental officers on wild-goose chases. If they are it is quite time they were stopped. Only about six weeks ago an Inspector from the Labour Department came up to my place at about 3 o'clock in the afternoon. He asked for me, and my wife told him I was out. He said, "A complaint has been lodged with the Department about the dirty state of your premises; your kitchen-tables are never scrubbed; your floors have never had a scraper on them." She said, "You can go through and see yourself." He went down and saw the kitchen and came back and said, "I cannot find any fault, and, to tell you the truth, I would not mind having my tea off the tables."

We have other similar cases. Perhaps for some reason or another you have to discharge an employee, and out of spite they go down and make complaints to the union or the Labour Department, and they send the Inspectors on wild-goose chases. I say that if that is all the Inspectors have got to do they have no business to be there.

6. *Mr. Davey.*] Did you say that an Inspector told you in Auckland that you could not give any of your employees any half-holiday you liked under the old Act?—Yes.

7. He told you personally?—Yes.

8. *Mr. Hindmarsh.*] Did you act on that?—Yes.

9. On the statutory half-holiday did you, when your restaurant was open, give all your servants a half-holiday?—They all get a half-holiday.

10. But on this particular day? You say the Inspector told you in Auckland that you must give your employees a half-holiday on the half-holiday that the shops closed upon?—No, that is not right. The Inspector came along and said, "I would like to see your wages and overtime books." I produced both books.

11. What did he say, then, about the half-holiday?—He took his notes in regard to my employing the midday waitresses overtime, and he saw then that another girl had had her day changed, and he said, "I see you have changed the day here." I said, "We can do that, can we not?" and he said, "No, you cannot." And since then I have not.

12. *Mr. Veitch.*] With regard to the casuals, I do not quite understand your statement. Do you suggest that you might have a race day on which three of your waitresses have a half-holiday, and that an accident might happen to another, and so you would be short of four girls: is that it?—Yes, in regard to the half-holiday, and I am not allowed to bring those midday waitresses back. If I bring those girls back to run my tea for two hours I have to pay at the rate of 3s. an hour.

13. If you are permitted to change the day from one day to another in the week on special occasions, will that meet your difficulty?—No, it would meet it in one case only. It would not meet the case on race days or holidays. Take Easter week, for instance. I have got sufficient girls to run my room. They come on at 9 o'clock in the morning and they are finished at 11. There are sufficient hands to lay the whole room and another room for one hundred and fifty people in those two hours; therefore I do not want any more hands all day long. We could do without our midday waitresses on any holiday or race day, and if we could bring them back for tea instead of having them at midday that would satisfy us. But we do not ask that. We are quite willing that they should go on in the ordinary course and get a little extra for what they do in the two hours on a race night.

14. What you want is the right to work overtime on special occasions at a special rate?—Yes, we do not mind that. We have paid them at a special rate—at Sunday rate.

15. *The Chairman.*] The overtime is provided by the award?—According to the interpretation of the Magistrate, no.

16. *Mr. Veitch.*] You would not have a race day every day in the week?—No. We do not want the privilege of employing midday waitresses at any time—only on special occasions.

17. How many such special occasions do you think would happen in a year?—I could not tell you how many times the girls would stop away in a year, but not very many. There is certainly Easter week; in fact, we could do with them in any race or holiday week.

18. I understand there is a race day nearly every week in Auckland?—Not quite so bad as that.

19. Will you be satisfied if the law is fixed so that you must let your employees off a half-day within each week?—Yes, one half-day.

20. Do you object to the whole day?—Yes.

21. With regard to this signed affidavit, can you show us that you suffered in any way from the fact that this complaint was made?—Not in that particular case.

22. In what case could you suffer?—In another case.

23. Only if you are in the wrong, surely?—It is like this: if you discharge a girl that girl always gets a certain amount of sympathy from the customers, and in that way you lose custom.

24. *Mr. Glover.*] Does it not commend itself to you as only justice that the girls should get a holiday the same as other individuals?—I am perhaps in rather an awkward position. I am speaking on behalf of the business in general. Personally it does not affect me at all, because I do not do any Sunday trade, but I am speaking on behalf of the people who do.

25. But you will admit that girls who are employed in any particular establishment are entitled to get their day off?—Yes. It could be done in this way: they could have two half-days. I do not think there would be any objection. It would certainly work better than their having one whole day. The people have to be catered for and businesses vary a good deal, and it is compulsory that you keep a fair staff if you want to do any business at all.

26. *Mr. Okey.*] About changing the day: would you tell the girl the day before that you wanted to change the day or when she came that morning?—You might not know it.

27. You want to be able to say to the girl when she comes in the morning, "I cannot give you a holiday to-day; you must have it to-morrow"?—Yes. The case which I quoted happened to myself.

28. But Miss Brown may have arranged to go out for a walk with Mr. Jones: you upset that arrangement?—That is the trouble. We are there to supply the public, and, of course, they are there to get their living, and there should be some little give-and-take.

29. About these holidays: do they all sign the holiday-book before they go away on Wednesday or Thursday?—Mine all do before they go off.

30. *Mr. Pryor.*] I suppose, as a matter of fact, with regard to the half-holiday, it is essential in the interests of your business that you should have, as far as possible, a regular day for each girl, but you want to be able to change it just in case of emergency when you are in a fix?—Yes.

31. Dealing with this question of the midday waitresses, the position is that under the first award you had the right to employ these girls between 11.30 and 2 o'clock each day at a certain rate, and the right to employ them overtime on overtime rates?—We did. There was a test case brought in 1910 and it was referred from the Magistrates' Court to the Arbitration Court, and the Arbitration Court just said, "No breach," and since then we have been going on.

32. Then the new award came into force?—Yes.

33. By which the Court put you under the strict law of the Shops and Offices Act?—Yes.

34. Then for some time after that you still continued to do the same with your midday waitresses as you had done previously?—Yes.

35. But some little time ago you were stopped and told you could not do that?—Yes.

36. By whom were you told?—He not only told me but he summoned me.

37. And you were fined?—No, ordered to pay costs. A breach was recorded against me, but I was not fined.

38. What you want is to get back into the position that you were in under the first award?—Yes.

39. And you are quite prepared to pay overtime rates?—Yes, more than that—1s. an hour.

40. Have you any amendment to suggest in the Act by which you think you could do that?—Yes.

41. It is in clause 27 (*b*)?—Yes, at the end of the subclause we want these words added: "nor for more than fifteen hours in any one week in case of the midday waitresses."

42. You are prepared to pay overtime to midday waitresses after they have worked fifteen hours in any one week?—Yes.

43. You are not, as has been suggested, desiring to increase the time without any limitation, because if those words are inserted there you take it that the limitation provided by the Act—three hours a day, or ninety hours a year—would operate?—Yes.

44. You are quite prepared to accept the limitation?—Yes.

45. *The Chairman.*] Who fixes the overtime at 3s.?—The Labour Department, because they say that we must pay for a day's work.

46. But it is not fixed by any award?—Yes, the award provides for casual labour.

47. *Mr. Long.*] Would you mind pointing out to the Committee what clause in the Bill would prevent you from employing midday waitresses?—It comes in in this way: at the Arbitration Court, when we asked for this privilege, the Judge simply told us that he had wiped it right off and the Shops and Offices Act provided for it.

48. Do you want something inserted in this Bill to override the award of the Court now existing?—If we cannot get anything in the Court we must go somewhere else where we can. We cannot get it put in in the Arbitration Court, and we ask it to be put into this Bill.

49. Is there any other restaurant award in New Zealand where there is provision made for the employment of midday waitresses?—I do not know anything about it. I know it is very much wanted in Auckland.

50. Can you tell us how you came to get it in the first instance?—By an agreement between you people and ourselves at the Conciliation Council.

51. Are you president of the Restaurant-keepers' Association in Auckland?—Yes.

52. When did you last decide to increase the restaurant tariff?—Who said we had increased it at all?

53. Has the tariff in Auckland not been increased?—Not that I know of.

54. Has the sixpenny-restaurant tariff not been increased?—I do not know anything about sixpenny restaurants.

55. You were complaining about the visit of an Inspector: would you mind telling us what Inspector that was?—Mr. Hood, according to the description that my wife gave me.

56. Has Mr. Hood got anything to do with dirty kitchens?—I do not think he has. I do not think he had any right there at all.

57. Are you not making a mistake? Would it not be the Health Department's Inspector?—No. We have those as well. We had the Health Inspector there about a fortnight ago, and he gave us a very good report.

58. You said that action was taken against you some time ago?—Yes.

59. Was that action taken under the Shops and Offices Act or under the award?—I could not tell you. All I know is that I was brought up there, and a breach was recorded against me with 10s. costs.

ALBERT AUGUSTUS BROWN examined. (No. 26.)

1. *The Chairman.*] What is your business?—Boardinghouse-keeper.

2. Where?—Symonds Street, Auckland—"Stonehurst."

3. Yours is a private boardinghouse?—Yes.

4. I will ask you to make your statement as briefly as possible?—I may say that I have been thirteen and a half years in business. We represent directly thirty boardinghouses, and indirectly this Shops and Offices Bill would affect about one hundred and fifty houses in Auckland. The thirty houses I mention will accommodate, roughly, about two thousand five hundred people, and at exhibition time might cater for three thousand five hundred. The thirty houses would employ about 184 hands all the year round. The increased cost to me if this Bill became law would be about £285 per annum. We have increased our tariff 1s. a day per head as from the 1st June, 1913, and we find that it has made a reduction in the number of our customers very considerably. We were compelled to do it, however, as our expenses were so enormous in comparison with our profits. If it were not that it is exhibition time the public would not pay

the extra cost, so it is absolutely impossible for us to pay increased wages. The whole holiday once a week would be out of all reason, considering the easy times the staff have at present. My staff have early tea at 6.30, breakfast at 9, morning tea at 11, lunch at 2, afternoon tea at 4, dinner at 7, and supper from 9 to 10 o'clock. They have comfortable sleeping-accommodation, food—the same as my guests—*ad libitum*, and they take their own time at work so long as it is done satisfactorily. I have strong objection to compulsory inspection of our houses and books, unless the union can show any good reason for it. I do not consider it a sufficient reason that they might find a black sheep among the boardinghouse-keepers. Unless there is general tyranny carried on towards the staff I have no sympathy with the demands of the union. If there were I would be the first to be up in arms against it in the interests of fair play. I have been president of the Boardinghouse-keepers' Association for four years. I want to endeavour to show good reasons why the private-hotel keepers and boardinghouse-keepers should not be brought within the scope of this Bill, but that they should be deleted from the wording of the Bill. During the last fourteen years I have made a close study of matters affecting the members of our association and their numerous employees, and I have always endeavoured to bring about, in a broad-minded way, a friendly feeling between the boardinghouse-keepers and their staffs, so as to secure for the latter the maximum of pay, leisure, and recreation compatible with the successful management of our several businesses. On account of high prices for foodstuffs, coal, &c., boarding-houses generally, especially the small houses, find it very difficult to make fair remuneration. In some cases they barely make a living-wage after paying expenses. At the present time numbers of them are working at a loss, but are living in hopes of better times soon. The proprietors in many cases work much harder and longer hours than their staff, have all the risk and responsibility, and in case of emergency are often without a sinking fund to draw from, while the staff as a rule are able to buy luxuries that their employers could not afford. The three hundred—more or less—boardinghouses in Auckland are so diverse in their conditions and surrounding circumstances that it would be impossible to make a set of conditions for them without being extremely harsh and unjust to the largest proportion of them, and probably numbers of them would have to close up. Our employees get more pay, more leisure time for recreation, rest, and laundry-work, additions to their wages in tips from guests, and better food, than they do in the larger number of private houses. In most cases they are perfectly satisfied, and as far as I know have little sympathy with the union demands, which are unreasonable and uncalled-for. The breakages in our establishments are enormous, and the staff are not asked to pay for them, but the expense constitutes a big weekly rent in itself. Private houses, especially in suburbs, find great difficulty in securing help, girls preferring boardinghouses, where the conditions are more cheerful and congenial, and if a house does not suit a girl she is not compelled to stay, as there are plenty of other places available. The residents in the suburbs are constantly selling or letting their houses to avoid hard work and worries of housekeeping, and are seeking homes in boardinghouses where they hope for rest and peace. A man's home—boardinghouse or otherwise—should be his castle and exempt from the inroads of Socialist and Labour agitators, who are not voicing the feelings of our staffs, but are persisting in their persecution and are wasting our time and money by constantly bringing us into the various Courts without any tangible reason except that we are employers of labour and have the pluck and enterprise to find capital, at great risk to ourselves, for investment in our business, thereby also providing congenial work for a large number of employees. There are no doubt black sheep in every community of employers, but in boardinghouses the exception proves the rule. Where employees carry out their duties conscientiously they receive courtesy and consideration from employers. If the demands of the union are acceded to proprietors will have to work with fewer hands than hitherto and longer hours, as in most cases they do not work up to regulation hours required by the union. Another tendency would be to undermine friendly relations and confidential feelings that exist between us at present. Some of the Auckland staffs are able to undress and get into bed for several hours in afternoons if they do not wish to go out. Our chief and strongest reason for seeking to be excluded from the Act is that we consider private hotels and boardinghouses are neither more nor less than private homes, and differ largely from public hotels kept for the sale of liquor, and where they have billiard-tables, &c., from which they make large profits. Some mothers would not allow their daughters to be subjected to the dangers and temptations surrounding a licensed hotel, but would have no objection to their working in boardinghouses. A good many of the hotels do not take the trouble to fill their rooms with boarders, as they do not want to be bothered with them, being able to do well from the liquor profits only. We would respectfully suggest that it is just as reasonable to put private houses under the award as to put most of the private boardinghouses, a private boardinghouse being neither a shop nor an office in the true sense of the words. In March, 1909, Commissioner T. Harle Giles, Conciliation Commissioner, ruled that it would be unjust to put us on the same footing as a public licensed hotel, and in this opinion Mr. Justice Sim, President of the Arbitration Court, entirely concurs; hence in July, 1909, at the Arbitration Court in Christchurch, he refused to make an award, saying that private hotels were boardinghouses under another name, and they should not be brought under award conditions and restrictions. The Dunedin case in February, 1909, was a private agreement between the parties and the union, applying only to a few houses. Judge Sim refused to include other houses, as he considered they could not afford to pay the claims. The same thing, he said, applied in Christchurch, and even if they could afford to pay an increased wage he did not see any reason why they should do so. The Judge said that employees were provided with board and lodging and were paid a wage sufficient to furnish them with all the necessaries of life; there could be no question of a living-wage, and except in special circumstances, like Rotorua, the Court should not attempt to regulate the wages of such workers. The Legislature, by enacting section 71 of the Industrial Conciliation and Arbitration Act, 1908, had made it clear that the

bulk of domestic workers were outside the scope of the arbitration system. In the case of domestic workers who came within the scope of that system, the Court thought it should exercise those powers of regulation in special circumstances only. The application for an award was dismissed. Last time we came up before Judge Sim in Auckland he spoke very strongly against the waste of time and money in bringing such cases into Court unless the union had some very good reasons for doing so, and said that they could not even define the difference between a private hotel and a boardinghouse. The union were not content with this, but brought a test case in the Supreme Court before Judge Edwards against Mrs. Scherff, of "Glenalvon" boardinghouse, Jermyn Street, which they lost. They contended that it was run under the same conditions as a licensed hotel. Judge Edwards said emphatically that this was not a fact, as if a coal-heaver went to "Glenalvon," and demanded to come in and have his lunch there in the same dining-room as the Chief Justice of the Dominion and some of her distinguished guests, Mrs. Scherff could refuse him admission on the ground that "Glenalvon" was a private home and in no way a public house.

5. *Mr. Anderson.*] Do you believe in the old law, "Six days shalt thou labour and do all that thou hast to do," and rest on the seventh?—I do under certain conditions, but every one has to work. I do not believe in it as a hard-and-fast rule which every one must bow down to, but I believe in not working more than is necessary on the seventh day.

6. *Mr. Veitch.*] Do you believe in each individual deciding the point for himself?—Yes, according to how his business affects him.

7. *Mr. Glover.*] You said something about general tyranny to the staff: what was it?—I say that if general tyranny was shown to the staff I would be the first to be down upon it. If employees do their work faithfully they deserve as much courtesy as the employers.

8. *Mr. Okey.*] What is your tariff?—It varies from 7s. to 9s. a day.

9. You have raised that 1s., you say?—We were charging 7s. and 8s.; we now really are charging 8s. and 9s.

10. Have you any difficulty at all with your employees?—No, not the slightest.

11. How do you treat them? Do you tie them down to the half-holiday a week, or do you allow them out extra days?—We give them all the freedom we can. At the present time my cooks get two half-days a week—every Wednesday afternoon and every Sunday afternoon. I was the first to introduce Wednesday early dinner, and that enables them to get off the two afternoons. The balance of my staff get off every second Sunday in addition to their regular half-holiday each week, the tea for Wednesday and Sunday being run by the housemaids and pantrymaids.

12. You argue that an Inspector has just as much right to enter a private house where a servant is kept as to enter your boardinghouse?—Yes. Ours is just as much a private home.

13. Do you find that a number of people are giving up their private houses in order to stay at boardinghouses?—Yes, especially in the suburbs, where they cannot get help.

14. *Mr. Veitch.*] You are the president of your organization?—Yes.

15. Can you give the Committee a fair idea of the increases that have taken place in your tariffs recently?—An all-round rise of 1s. a day from the 1st June.

16. How far back was the last rise before that? Is that the only increase that has taken place?—That is the only increase as far as I know.

17. How long were you at the point of 1s. a day less than you have been charging from the 1st June?—That I could not tell you. We have never organized prices before in any shape or form.

18. Give us some idea of the rise in tariff in your own private business?—For a very long time my business was run at 7s. a day. Then I bought a house next door to me in which the rooms are far better, and I charge there 8s. a day, or £2 10s. a week. In the other part I charged 7s. a day, or £2 2s. a week. But now our tariff runs from 8s. to 9s. a day for casuals.

19. You state, then, that there was no increase in the charges made by boardinghouse-keepers in Auckland for a very considerable time prior to the 1st June?—That I could not say. We have never organized on that point. My business was started fourteen years ago in one small house.

20. During the whole of that fourteen years have you made increases in your charges?—Certainly, because I started with a business that had a bad will, and I had to live that down, and I had to give to people more than they were giving me. When I started I took people at as low a charge as £1 2s. 6d.

21. Now you are up to 8s. a day?—Now I am going in more for the tourists and travelling public than I was then, although I have a large number of permanent boarders too.

22. *Mr. Anderson.*] Did I understand you to say that you give some of your hands two half-days a week?—Yes, my cook and second cook.

23. And did you say that some of them have a whole day on Sunday?—No. The rest of my staff get their half-day every week—the regular day that they know they get off, and we never vary that—at least, I do not think we have ever varied it.

24. You find no difficulty in giving your cook two half-days in the week?—What took away the difficulty was having early dinner on Wednesday instead of late dinner.

25. *The Chairman.*] You put up your tariff owing to the increased cost of living?—Yes; we really could not run at the price. Everything has gone up. Bacon I used to get at from 6d. to 7d. a pound, but I now pay 11d. a pound wholesale, taking three whole sides.

26. Yet I think it is acknowledged that the New Zealand tariffs compare favourably with those in almost any other part of the world?—Yes.

27. *Mr. Pryor.*] You find it practicable to give a half-holiday, and in some cases two half-holidays, in the week, because the cook, I suppose, can prepare for the small meal before going off?—The evening meal on Sunday and Wednesday consists of cold meat and sweets. The sweets

are prepared by the cook in the morning, and then the housemaids and pantrymaids can run the business quite easily without the waitresses or the cooks.

28. It would be quite impossible to arrange in that way if you had to let a cook off for the whole day?—They could not do that.

29. The point is that while it is practicable for a half-day it is is absolutely impossible for a whole day?—Yes.

30. *Mr. Long.*] I understand you to say that you represent the Auckland boardinghouse-proprietors?—Yes.

31. Do you know whether or not the boardinghouse-proprietors that you represent give the half-holiday to their servants?—As far as I know they do.

32. Does the proprietress of "Glenalvon" give a half-holiday to her servants?—She does not do it, perhaps, in the way that I do.

33. If I were to say that she did not, could you say of your own knowledge that I was not stating what was correct?—I could not declare that, because I do not know. I know that she gives a half-holiday, but she gives it in a different way from me.

34. You are opposed to boardinghouses being brought under the provisions of this Bill?—Yes.

35. You are opposed to boardinghouse servants getting protection of any kind?—I do not say that.

36. As one of the assessors before the Conciliation Council did you not oppose the servants getting the protection of the Arbitration Court?—I opposed their being brought under the Arbitration Act, yes. I have done so all along.

37. So that you are opposed to the servants getting protection under the Arbitration Act, and also the protection of the Shops and Offices Act?—I am not opposed to their getting protection at all.

38. Are you opposed to the servants employed in the boardinghouses of Auckland getting either the protection of the Arbitration Act or the protection of the Shops and Offices Act?—Certainly I am.

CHARLES GROSVENOR made a statement and was examined. (No. 27.)

Witness: I am secretary of the Auckland Provincial Employers' Association, and also secretary of the Auckland Private-hotel Keepers' Association and of the Restaurateurs' Association. I am here to support the evidence given by our president, Mr. A. A. Brown, on behalf of the private-hotel and boardinghouse keepers, and also that of Mr. Prior, president, and Mr. Whitehead, one of the executive, of the Restaurateurs' Association. I, as having been secretary for a number of years, hereby certify that the evidence given by them is substantially correct. I now proceed to give evidence on behalf of the Auckland Master Butchers' Association, of which I am secretary. Clause 4 (1) (*b*): "The kind of work on which he is from time to time employed." The butchers desire that that should be put back again to "the kind of work on which he is usually employed." The alteration of the wording will mean very considerable nuisance and impracticability. A butcher's assistant may be changed about a number of times in a day from different classes of employment, and obviously it would entail a very great amount of unnecessary book-keeping if the employer had to keep a record for every hour that the assistant might be changing his job. Butchers' assistants are classified as order men, first-goods men, small-goods men. They are put here and there—it may be two hours at one time and three hours at another. Obviously it is impossible to keep a record. With reference to subclause (3) of the same clause, the Bill provides for the preserving of the old time and wages books for a period of two years. I submit that that is not at all necessary, because under the Arbitration Act unless action be taken within six months it is absolutely dead, so to keep the records longer than six months is quite unnecessary. I desire to express the wish, on behalf of the butchers, that the provision in section 3 and section 6 (4) of the Act itself, wherein reference is made to the operation of the Act being subject to awards of the Arbitration Court, should be retained as it was prior to the amending Act of 1910 being passed. Clause 8, subclause (1), (*c*): "A shop-assistant shall not be employed in or about the shop or its business for more than five hours continuously without an interval of at least one hour for a meal." I respectfully urge that after the word "meal" the following words be inserted: "Provided that the meal-hours for butchers' assistants may be regulated in such manner as may be mutually agreed upon between each employer and his individual workers to suit the exigencies of the trade." The reason for bringing this so pointedly before you is that, if the clause as it stands becomes law, on every working-day in every part of the Dominion butchers must commit a breach of the Act. I have had the privilege of occupying the position of secretary of the Master Butchers for ten years, and know what I am speaking about. The custom obtaining during all my time as secretary, and long before that, is that the workers start, and must start, at about 6 o'clock in the morning.

1. *Mr. Veitch.*] Have you not the right to start them before?—We have, but we never do. We are desirous to have the hours of the Act retained, because there are occasions when we may want them to work earlier, as when a ship comes in. It might be done, but it is not the rule by any means; 6 o'clock is the usual starting-time, and to my knowledge is observed. The men work on from 6, and are allowed half an hour off for breakfast at about 8 or half past. Those men then continue right on till, it may be, 12 or 1 o'clock, when they have their midday meal. I submit that in working the men like that the employers are committing a breach of this clause. It is merely a matter of the Inspector "winking the other eye," or he must prosecute them almost every day. It has never been operative. We urge that the law be so amended that the butchers shall

not need to commit that breach or be challenged. If we followed the provision in the Bill which says that you shall not work your men for more than five hours without allowing them one hour for a meal, it would simply mean that a butcher would have to work his shop-assistants from 6 o'clock to 10.30 or 11, and then let them off for an hour at the very time when everybody is clamouring for their supplies for the midday meal. There can be no unreasonable oppression of the workers by the insertion of the words I am now asking for, because we suggest that it be by mutual agreement, and if an employer were in any way to trade upon that and harass a worker all the worker would have to do would be to tell him, "You keep your work and I will seek employment elsewhere." With regard to subclause (3) of clause 8, it provides that overtime may be worked only for special purposes—"stocktaking or other special work." I respectfully urge that the words "for the purposes of stocktaking or other special work not being the actual sale or delivery of goods" be deleted. My reason for asking that is that difficulties would arise with our shipping trade. A vessel is in, and it is desirable that a man should be sent, perhaps at half past 5 in the morning. It would give us the opportunity of exercising that privilege a little before 6 o'clock.

2. *The Chairman.*] Is there not provision made in the Bill for shipping?—Not that I am aware of—only for the half-holiday.

3. *Mr. Veitch.*] Are you satisfied with the last part of this subclause?—Scarcely. I would prefer to have butchers' shops excluded, so that they should have the right to work extended hours, to meet the exigencies of their business, at overtime rates.

4. Without any limitation as to the number of hours?—Yes. Of course, it is for this Committee and the House to determine, but I urge that, at all events, not less than what is stated there shall be granted. With regard to clause 43, "If any shop-assistant is employed at any work in any shop, or in connection with the business of any such shop, later than fifteen minutes after the prescribed time, the employer commits an offence": we object to the limitation to fifteen minutes. We ask that it remain at half an hour, as in the present Act. So far as our trade, at all events, is concerned, it has never been made a general practice to keep the hands. It is only done to meet the exigencies of the shipping.

5. Can you suggest any safeguard to prevent it being made a regular practice?

6. *The Chairman.*] Are you asking for that half-hour's grace for all the employees in the butchery business?—Yes. In answer to Mr. Veitch I should like to say this: if at any time the attention of Parliament were directed to any serious oppression under this provision, then, I submit, it should be altered, and not until. Nothing of the kind has taken place, as far as I know, whilst the thirty minutes' grace has been the law. With regard to clause 55, "Exception as to tending horses," I respectfully urge that that clause should not under any circumstances be deleted from the Bill. I think that is all it is necessary for me to say on behalf of the butchers at this stage. My instructions were to give this evidence, since I was coming down on other business, and then ask for leave, later on perhaps, for one of the master butchers to come and answer any questions. It may not be necessary for him to come, but I ask leave.

(In the brief space allotted to me in giving my evidence to-day in connection with the Shops and Offices Bill, and in my anxiety to save the time of the Committee as much as possible, I inadvertently omitted a very important point from my evidence on behalf of the Auckland master butchers. I now refer to section 24, subsection (1), *re* closing by requisition. The butchers ask and respectfully urge that the words "in the evening of," after the word "closed" in the third line, should be deleted, and the word "on" substituted in lieu thereof. The reason for this request is that in the Act as it now stands—section 25, subsection (1)—and in the Bill in the clause here referred to—namely, section 24, subsection (1)—it is prohibitive for any body of shopkeepers by a majority of votes of the occupiers to fix the hours of closing except in the evening, and this prevents their making provision for closing for the half-holiday by requisition on any other day than that of the statutory closing-day. Will you therefore please permit this requisition to be included in my evidence of to-day.—C. GROSVENOR.)

TUESDAY, 26TH AUGUST, 1913.

ANDREW M. LOASBY examined. (No. 28.)

1. *The Chairman.*] What are you by occupation?—A chemist.

2. Whom do you represent?—The Christchurch Retailers' Association.

3. Have you an authority with you?—No, except that I wrote up telling you I would come.

4. You wish to speak on the Shops and Offices Bill?—Yes.

5. Will you lay your views before the Committee as briefly as possible?—With regard to clause 12, subclause (1), we think that you should have a larger radius than you have at the present time. Take a city like Christchurch. Greater Christchurch goes as far as May's Road on the Papanui Road. Beyond May's Road to the top of Papanui there is, I suppose, fully a mile of closely settled district with shops: that part is in the Waimari County, and they are shutting on the Thursday and keeping open on the Saturday. Then we have a glaring case in Wilson's Road. On the one corner of Wilson's Road there is a grocer who has been doing a large business; on the opposite side of the road there is another man in a small way who is in the Heathcote County: the Heathcote County man keeps open on the Saturday, whereas the other man has to close. We think that the radius should, if possible, extend to ten miles from the Post-office, and include all Greater Christchurch. My association wishes New Brighton and Sumner exempted. We realize that, these being seaside resorts, it is necessary for people to be able to go down there and get their provisions on the Saturday.

6. *Hon. Mr. Massey.*] Sumner and New Brighton are exempt now, are they not?—Yes, and we wish them to remain exempt.

7. *Mr. Davey.*] The ten-mile radius would not touch Kaiapoi, would it?—No. I think it would touch Belfast.

8. And Lyttelton?—Yes. There is a very strong feeling that these boundaries should be larger. I notice that the Bill says that where a man in any trade has to close a person carrying on the same class of business within one mile shall, on request sent to the Minister, be compelled to close also. It is felt that that would be a hardship, inasmuch as you may have one man just the mile away and another man a few yards further on, and the latter, being outside the radius, will be open. Thus you will still have confusion. The Christchurch Retailers' Association were all Thursday men, I think, with the exception of myself. Now we are prepared to abide loyally by the decision of the people. Saturday closing, we find, has not meant the loss that we expected it would—not, at any rate, as far as the principal men are concerned. We realize that there are some who are suffering from it, but as far as the bulk of my association are concerned we are quite content to have Saturday. We are an association of nearly a hundred strong. We are pleased, of course, to see that the exemptions are taken out of the Bill, and we hope they will be kept out. We see no reason why the hairdresser or the photographer should keep open; in fact, speaking for myself, I see no reason why chemists should keep open. If it is not necessary for a chemist to keep open on the Saturday it is not necessary for a hairdresser. In our case it is often a matter of life and death; with the hairdresser it is not. We shut regularly, but I have never yet heard of a man dying for want of medicine. There is the question of some of the shops closing which do not employ labour, and which have been keeping open till 8 o'clock. We feel that that is too late, and that the small shopkeeper should not be allowed to keep open longer than the large shopkeeper, and that the closing-hour should be universal. We would like, if possible, supposing that a particular day is carried at two elections in succession, to make that day binding on that district for a certain time. The Retailers' Association of Christchurch want rest. They do not want this constant turmoil and fight. Whether it is to be Thursday or Saturday they are not very particular, as long as they know there is going to be some cessation from this constant fighting. We realize that a lot are suffering from the introduction of the Saturday half-holiday, but it has not had quite the chance it might have had owing to various causes, such as the tightness of the money-market and the constriction of business; and, besides that, the usage of many years has been upset. I can give you, if necessary, the names of firms who have assured me that their takings have not gone down, and they are perfectly satisfied with Saturday. Mr. Kincaid, a large grocer, who put up £25 to fight against Saturday, has no desire to return to it. His business has not fallen off. Mr. Seed, of Petersen and Co., the large jewellers, says that if Thursday is carried in the future he will never go back to it. He has found no falling-off in his business. I could enumerate many more. They are quite satisfied with the Saturday half-holiday. Some of the small men, no doubt, are suffering. The changing of the day has had a different effect from what they thought. Before the vote the suburban men were in favour of Saturday, because they thought that a lot of the trade would be diverted to the suburban shops. Now they find that it has not made the difference they expected, and they are losing.

9. *Hon. Mr. Massey.*] Saturday was the market day in Christchurch, was it not?—No, Wednesday is the sale day.

10. The day for horse-sales, and so on?—It is the day for the horse-sale too, but that is a small thing compared with the cattle-sale. We find that Wednesday has come up very materially. The country people come in on Wednesday. Friday has not taken its place; it is becoming a very much better day. Thursday has turned into a good business day. Taking the week all through Saturday closing has not hurt us at all. We would like, if possible, to have some rest—something positively decided—so that we could do away, if possible, with this fighting every two years. There is another thing that we think should be clearly defined, and that is what constitutes the different classes of trade. We have had this experience in Christchurch: some of the small booksellers and news agents, when Saturday was carried, immediately stocked tobacco as well, and called themselves tobacconists and kept open on Saturday. But they are still carrying on their old business as well. They have come under the exemption clause, and are keeping open on Saturday. That creates friction.

11. Do they sell other things as well as tobacco?—They are selling their old class of goods—books, periodicals, and newspapers. They use the tobacco as a means of getting over the Saturday half-holiday. The position the Inspector has taken up in Christchurch has been this: If a reasonable amount of that stock is carried a man has a perfect right to call himself a tobacconist. These men have laid in that reasonable amount of stock, and they are calling themselves tobacconists, but they are still selling their books and periodicals. Of course, if the tobacconists, as the Bill proposes, do not have exemption, it will obviate all that. We feel that we should all be treated alike. Pork-butchers are selling ham, butter, honey, pickles, &c. Those are not pork-butchers' lines, surely; yet they have a right to keep open. I am not here to raise any objection to the Bill. We want to help the Bill. We want to get something solid, and we want, if possible, to do away with all the friction that has been caused. We do not want to do any man any harm, but we think it is a fair thing that we should all be treated alike, and that there should be no loopholes whereby one man can change his class of business and come in under an exemption. I notice, Mr. Massey, that in your reply to the secretary you mentioned that if the pork-butcher sold pickles he could not claim to be purely a pork-butcher. As long as that is so we are prepared to accept it. Then there is the question of suitable appliances for heating shops. It says that a shop shall be heated to the satisfaction of the Inspector. We feel that that is rather a large order. It is sometimes a very difficult thing to heat a shop or a

factory. Mr. Whitcombe tells me that he has five fireplaces in his shop, and has three or four gas-stoves going in the different offices, and he says the place is as cold as charity in the winter. He does not know how he can alter it. He pointed out that the question of the heating of shops was brought up by the City Council, and the Mayor went round with the Inspector of Factories. One of the places he went to was Mr. Whitcombe's factory. It happened to be a very nice warm winter's day. The Mayor went through the factory, and he said to Mr. Whitcombe, "Yours is one of the few factories that are nice and warm." Now, Mr. Whitcombe told me only last night that if the Mayor had come the next day he would have found that 10 ft. or 15 ft. from those stoves the place is as cold as ice. We feel that the employees should have some comfort; it is only right that they should work under proper conditions; but to say that we must make our shops hot enough to have the place comfortably warm—well, it is an impossibility. If the Inspector is to have power to order the thing to be done to his satisfaction we shall not know where we are. As long as what is only reasonable is asked for I think the retailers ought to do that, but it seems to us that if you say it must be to the satisfaction of the Inspector it is giving him very wide powers, and may be harmful to a lot of the employers. With regard to the closing of shops, the Bill provides that a quarter of an hour after closing-time is to be allowed for the purpose of serving customers. Now, with some of us it is not possible to finish up in a quarter of an hour. It is not possible, for instance, with a chemist. Frequently my shop is not empty till after 9.30 at night. There are no fresh customers coming in, but the assistants are working away as hard as they can go till half past 9 or later. We feel that there ought to be some provision made whereby, if we have to keep our men, we should pay overtime. We ought to have the right to get through our work without breaking the law. I do not for a moment suggest that we should be allowed to go on letting customers come in, but with me it is a common thing at 9 o'clock to have nine or ten prescriptions to dispense, and it is impossible to get through those in a quarter of an hour.

12. *Mr. Davey.*] Do you close the door at the proper time?—Yes. A quarter of an hour is not sufficient time for me to get through my work. There is another thing: If possible we would like to be allowed to give our assistants the option of working on the weekly half-holiday at the commencement of stocktaking for the one day. I know of one case where the commencement of the stocktaking fell on the weekly half-holiday. It would have saved an immense amount of work if the assistants could have simply gone and taken down the stock in the shop. The Inspector refused to allow it, though all the assistants were perfectly willing to go back. The Retailers' Association say that if they have to pay double or treble overtime for that one day it is worth their while to do it. It is only the one day that the assistants would be likely to be utilized for the purpose of taking down the stock in the shop, and if you can see your way to give employers the right to employ assistants even at double pay for that one afternoon it will be conferring a very great help on the retailers, and I do not think the assistants will be made to suffer. It can be made purely optional with them. I think that most assistants who have got the interests of their employers at heart would willingly come back that one day, knowing that it was only likely to happen once in the year, and they could have some other half-holiday. There is also the question of auctioneers. Auctioneers, most of them, do a very fair retail business, and yet they are exempted from closing. They have their sales on Saturday; they do not close, though they are selling retail, and they sell retail very largely. They do a large retail business. We think they should come in the same category as the retailer. We do not see any reason why auctioneers should be exempted. There are numbers of other points, but I know you have had them all put before you.

13. What about other exemptions: are they all right?—Yes.

14. *The Chairman.*] Dealing with that stocktaking question: there are many places, I understand, where they take stock twice a year?—That is not my experience. I do not know of any place that does.

15. *Mr. Davey.*] Clause 17 (*c*) provides that a chemist may reopen his shop on the statutory closing-day after the prescribed time of closing, "solely for the purpose of supplying medicines and surgical appliances which are urgently required: Provided that a chemist may keep his shop open and employ his assistants (but only for the purpose of supplying medicines and surgical appliances) between the hours of seven and nine o'clock in the evening of the statutory closing-day." Is there anything in your opinion difficult in that clause?—I know that it is being broken every day, and will be broken as long as it is on the statute-book. It is not possible for a chemist to keep his shop open only for the purposes mentioned. A man comes in and asks for a prescription to be made up, and then he says, "I want a tooth-brush." Hardly any chemist would refuse to supply him.

16. Do you think it would be possible to draw up a schedule of the goods that a chemist should be allowed to sell?—I do not. I think that the chemist ordinarily will sell anything in reason.

17. *Mr. J. Bollard.*] Chemists open now every day in the week, Sunday included, do they not—they open on Sunday for certain hours?—Yes.

18. Do you wish them to be prevented from doing that?—No, but I do not see any great reason why chemists should be exempt. I have looked up the business done on Christmas Day and Boxing Day for two or three years, and you would be astonished if I told you what a little amount of money we took on those two days and the few prescriptions we dispensed. In one case it was Friday, Saturday, and Sunday, and we did not close, and during those three days we hardly dispensed a prescription. Doctors carry medicine about with them, and it is very seldom we are roused up. I may say that Cook and Wallace for several years kept an assistant on the premises, but they gave it up. They found that it was only about once a fortnight he was wanted.

19. How would you deal with people handling perishable goods: would you make them close on the Saturday?—No, I have not suggested that.

20. Would you exempt a retail butcher?—No.

21. You think he is not dealing in perishable goods?—The retail butchers of Christchurch thought they were going to be ruined when they had to close at 5 o'clock on a week-day and then at 7 o'clock on Saturday. The butchers in Christchurch tell me that their Saturday trade is almost nil now as compared with what it was. The people are getting their supplies on the Friday. It is winter-time, of course, now; I do not know how it will affect them in the summer. I am a firm believer in a half-holiday, and on the Saturday if possible.

22. *Mr. Veitch.*] Would you be in favour of a clause being inserted in this Bill providing for a universal Saturday half-holiday, and have done with it?—Yes, absolutely.

23. *The Chairman.*] You do not think there is any occasion for chemists' shops being open on Sunday?—Occasionally we are wanted, no doubt; but there is a lot of business done on Sunday that there is no need for.

THOMAS SMITH examined. (No. 29.)

1. *The Chairman.*] What are you?—Tobacconist and hairdresser, Christchurch.

2. Do you represent any association?—I represent the trade. I am secretary of the Tobacconists' Association in Christchurch, containing about fifty-five or fifty-seven members. I was deputed by the association to come here.

3. Have you your authority with you?—No. I have not got a written authority.

4. *Mr. Veitch.*] Is it an association for the whole of New Zealand?—No, purely a local association.

5. *The Chairman.*] You wish to give evidence on the Shops and Offices Bill?—Yes.

6. Will you make your statement, as briefly as possible, please?—We have a decided objection to our exemption being removed. We wish to be left in the same position as we are in under the present Act—that is, to be allowed the privilege of closing on either Thursday or Saturday. We reckon that it will be detrimental to our trade if we are compelled to close on Saturday. A number of people find it not only inconvenient but impossible to come in and get either a hair-cut or a shave if we are closed on Saturday afternoon. I know the feeling of my customers, and they are with me: they say it would be detrimental to our business if we were compelled to close on Saturday. And that is the general feeling in our trade in that city. Another point is this: whilst we at the present time are compelled to close on one half-day in the week and observe closing-hours at night-time, other shops are allowed to handle our goods *ad libitum* from early morning till any hour they choose at night. I refer now to billiard-rooms, railway book-stalls, confectioners, and other people. I visited a billiard-saloon last Saturday night, and I went to the proprietor and asked him if he stocked cigarettes and tobacco and cigars. He said, "Yes; do you want some?" I said, "No, but I want to find out if you sell any." He took me to a part of his billiard-saloon where he has a huge placard up on cardboard, "Tobacco, cigarettes, and cigars sold here." I asked if he sold many, and he said, "Yes, sometimes." "When do you observe the half-holiday?" I inquired. "I do not observe any at all," he said. I said, "But when do you cease selling these goods?" He replied, "When we close up the billiard-saloon at night-time." I said, "Do you mean to tell me that you do not close this department down at any particular time?" He said, "No." I said, "Do you not know that you are breaking the law?" "No," he said, "I don't, and I don't care." That is the thing that generally obtains with people who handle our goods apart from the legitimate tobacconists, and we maintain that it is unfair competition. We are compelled to observe certain hours, and we do not mind fair competition. We do not mind these people handling our goods if they are compelled to observe the same hours. We do not mind if everybody in the town handles our goods, provided they observe the same hours as we do. There is great objection taken to book-stalls—railway book-stalls in particular. They are open from early morning till late at night, and they not only sell tobacco, cigarettes, and cigars, but they advertise that the railway book-stall is open for the sale of cigars and tobacco and cigarettes on Thursday afternoons. They make a special feature of that—advertising to sell goods when we are compelled to close.

7. *Mr. Davey.*] Have you any knowledge, since the Saturday half-holiday came in in Christchurch, of, say, fruiterers at Sydenham or St. Albans, or anywhere round the district, stocking tobacconists' goods and therefore keeping open?—Complaint has been made to me that since the Saturday closing came into force people who are recognized as stationers and fancy-goods sellers have stocked tobacco and cigarettes, and have taken down their stationery signs and put up tobacconists' signs, and now they remain open on Saturday afternoons, presumably for the sale of tobacco, but I expect they cut in a bit with the stationery at the same time. As stationers they were compelled to close, but as tobacconists they are privileged to keep open.

8. Have you noticed any material reduction in your weekly takings since the Saturday half-holiday came in as compared with the previous year's?—For a few weeks it greatly affected us, but the last few weeks it has been righting itself.

9. *Mr. Hindmarsh.*] How would it do, do you think, to have the trades rigidly classified and every one carried on under a license—I do not mean a license to be paid for, but before a person could engage in any business he would have to get a license, and it would say on the license what he was allowed to sell?—I advocated myself two years ago here, when we were before Mr. Millar, the licensing of tobacconists throughout New Zealand.

10. Why not license every business?—I estimated that there were eight hundred legitimate tobacconists in New Zealand, and I personally was prepared to pay £10 a year license.

11. The fee is a matter of detail. You think the principle is a good one?—Yes, but I think it would be necessary to have a fee.

12. The object of the license would not be to get fees, but to control the business?—Yes.

13. So that the billiard-saloon keeper would not be able to get a license to sell tobacco, and if he sold it he would be breaking the law?—Just so.

14. I believe that licensing is in operation in some parts of the world in order to keep a check on the shopkeepers?—I believe the license fee would be a good thing. I may say that the definition of "tobacconist" we approve of. It is the first time it has been the law.

15. *The Chairman.*] What, in your opinion, has been the effect of Saturday closing with regard to other trades in Christchurch?—Generally speaking, I believe it has been detrimental. It suits a few of the larger houses; but, generally speaking, I am informed—and I have a good wide knowledge—that it is detrimental to business in Christchurch, and if possible the majority of the business houses would go back to Thursday closing to-morrow. I am inclined to think that the reason is this: Christchurch is differently situated from any other large city in the Dominion. We deal with a large number of country folk, and the town depends a lot on them, which is not so, perhaps, in Wellington here. I think the greater part of the takings in the Christchurch shops on Saturday were from country folk, but they do not come to Christchurch now on Saturday.

16. *Hon. Mr. Massey.*] Do they come on any day in particular?—No, not now. They used to come once a week, but now they may not come more than once in three or four weeks.

17. Do you want the Committee to understand that the effect of Saturday closing in Christchurch has been to prevent the country people coming to town as regularly as used to be the case?—There is no doubt about that. I have had several instances of it.

Subsequently witness said—There is one point I missed with regard to clubs. I could instance one club in Christchurch that stocks as many varieties of tobacco as I do, and probably cigarettes as well. They are open from early morning till late at night. It is supposed to be only for the convenience of their members, but I know for a fact that other people get their supplies of tobacco from there when we are closed. Tobacco is purchased there—on Sunday if you like. It is unfair competition. There are tea-rooms also in Christchurch—Mr. Woodward was at tea-rooms in Hereford Street yesterday where there is a huge placard up, "Tobacco and cigarettes sold here." They do not observe any half-holiday or any time of closing; they are not restricted in any way.

FREDERICK WILLIAM WOODWARD examined. (No. 30.)

1. *The Chairman.*] Whom do you represent?—In conjunction with Mr. Smith I am representing the tobacconists. I am treasurer of the association.

2. Can you lay before us anything that was not covered by Mr. Smith's evidence, because there is no need to go over the same ground again: if you can bring forward anything new we shall be prepared to hear you?—I should merely like to emphasize the point about the great inconvenience it would be in the hairdressing part of our business if we had to close on Saturday. There are hundreds of men who start work at 7.30 and 8 o'clock on Saturday who would have no earthly chance to get a shave on Saturday if we had to close at 1 o'clock. They like to be made to look respectable for Sunday. That is the main objection I see to it. With regard to the licensing proposal, the whole of us are in favour of it. In England they have a small license fee—I think it is 5s. 3d. per annum—and they find that the system works admirably there. Every one who sells tobacco has to pay that fee. I should like to point out, too, that if we had to close on Saturday night the chemists would be open; they are allowed to open from 7 to 9 o'clock, and they sell all our toilet requisites. That, of course, is only a detail. It is the closing of the haircutting-saloons that is the most serious part of the business.

3. *Mr. Hindmarsh.*] You sell a good many things, do you not, that are not strictly hairdresser's goods—for instance, studs?—Very few. We do keep a few. It is the general practice of the trade. We should be quite willing to cut them out.

JOHN BEVERIDGE examined. (No. 31.)

1. *The Chairman.*] Whom do you represent?—I am proprietor of the Grand Hotel, Wellington, and I am president of the Licensed Victuallers' Association of New Zealand.

2. You gave evidence on this Bill last year?—Not quite on this Bill. The Bill has been altered from that of last year.

3. I think you gave evidence on the clause affecting you: that has not been altered, has it?—Yes, there have been several alterations.

4. We would like you to confine yourself to the alterations, because all the evidence that was given before is before the Committee and there is no need to repeat it?—Very well. Perhaps it will be best if I take the Bill as it stands and take the clauses seriatim. Clause 4 (*b*) provides that the occupier of a shop shall keep a book showing in the case of each assistant "the kind of work on which he is from time to time employed." To keep a correct record of the duties of the different household servants would be quite a hardship. I think it would get over that if you inserted "usual." If I remember aright we had some controversy over this before, and the word "substantially" was proposed to be inserted, but we compromised on the word "usual." Then I go on to subclause (3) of clause 4: "The wages and time book in use for

the time being, and any such book used within the two years immediately preceding the date of inspection, shall be open to the inspection of the Inspector at all reasonable times." We think that two years is too long a period to go back for records of this kind. We think that six months would be a reasonable time. Six months is the period, I think, in which one can sue for recovery of wages, and it should be in keeping with that. I go on to clause 9: "In order to prevent any evasion or avoidance of the limitation imposed on the employment of shop-assistants, the following provisions shall apply in the case of every shop-assistant: (*a.*) The shop-assistant shall not be employed in or about the shop or its business during meal-times, or during the intervals for rest and refreshment. (*b.*) The shop-assistant shall be deemed to be employed in the shop if he in fact does any work in or about the shop, whether the occupier has assented thereto or not." Now, in the reference to hotels, commencing at clause 26, clause 9 is not included with the exceptions. Clause 26 says, "Except as otherwise specially provided, sections five to eight, section ten, sections twelve to nineteen," &c., "shall not apply to hotels and restaurants or to the assistants therein." That clause 9 must be included as an exception, because we feed our staffs and they live on the premises. If it were not included we should be open to prosecution. That clause 26 should read "sections five to ten." I notice that in clause 27 (*c*) they have allowed us the extra hour, "for more than eleven hours (excluding meal-times) in any one day." I will pass over clause 30 in the meantime. Clause 28: "(1.) In lieu of allowing a half-holiday or a whole holiday as aforesaid, it shall be lawful for the occupier of a hotel or restaurant to allow to any assistant, by mutual agreement, leave of absence on full pay at the ordinary rate for a period of seven days (including Sunday) in every three months in the case of assistants to whom subsection four of the last preceding section applies, and for a period of fourteen days (including Sundays) in every three months in the case of assistants to whom subsection five of that section applies." That means that in a year those of the staff who care to take accumulated holidays will get two months on full pay. I do not know if any professional man in the city gets two months on full pay. Accumulated holidays are of more value than a holiday once a week, and therefore the accumulated time should be lessened. I think a reduction to fourteen days in every twelve months would be a reasonable thing, because there is no provision made that the members of the staff could not remain on the premises for the two months and have their meals. It is giving them a very big pull over us to ask that they shall have eight weeks on full pay in every twelve months. We propose that there should be some substantial reduction in the accumulated holidays, say to fourteen days a year.

5. *Mr. Veitch.*] Does that mean instead of the six-days-work-a-week proposal?—Instead of the one day off every week. Then, with regard to clause 30: "(1.) In every hotel and restaurant the occupier shall at all times keep in an approved holiday-book a record of the working-day in each week fixed for the half or whole holiday of each assistant. The record shall at all times be open to inspection by any assistant employed by the occupier, or by an Inspector, and shall be signed by each assistant before entering upon his half or whole holiday." The word "fixed" there presents a very serious difficulty to us, because from the exigencies of our business we cannot say on which day of the week the chief cook, or the second cook, or a housemaid, or any one of our staff shall have the holiday. It could be read in that way. We propose that the granting of the holiday should be left to mutual arrangement, and so long as the employee gets that holiday it should be quite sufficient. Perhaps it would be better if the clause were to read, "a record of the working-day in each week on which the assistant has had his or her holiday." It would not be necessary then to make a hard-and-fast rule as to which day any member of the staff should go off duty. We are there at the beck and call of the public, and we have to work our staffs just as the business will allow us. Clause 30: "(2.) Every assistant who fails to sign the record as provided by the last preceding section, or who signs any incorrect record, is liable to a fine of one pound." That throws the onus on the employee; before it was on the employer. I am glad to note that alteration. Now I should like to refer to clause 27, subclauses (4) and (5): "(4.) 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 not more than three assistants are employed, shall be entitled to a half-holiday from two o'clock in the afternoon of such working-day in each week as the occupier, in the case of each such assistant, thinks fit. (5.) Every assistant employed in or about a hotel or restaurant other than assistants to whom the last preceding subsection applies shall be entitled to a whole holiday of twenty-four hours commencing at his usual hour for commencing work on such day in each week as the occupier, in the case of each such assistant, thinks fit." That we object to. We do not object to the principle of a six-day week—that we believe in; but we do object, and most emphatically object, to the licensed victuallers being singled out to grant this six-day week. If it is to be made universal, if everybody is to be brought into line, then we have no argument and we must give way to it. But we do think there is going to be a hardship created if this is going to be imposed on the hotelkeepers of the Dominion.

6. Do you wish us to strike out line 37—"other than assistants to whom the last preceding section applies"?—No; we desire to be exempt altogether.

7. If that line were struck out it would read, "Every assistant employed in or about a hotel or restaurant shall be entitled to a whole holiday," &c.?—We do not want to give the whole holiday. We want to remain as we are for the half-holiday. We do not believe in being picked out and asked to grant what one might call an innovation. If it is logical that the staffs of hotels should be protected, then I think it is even more logical that the seven-day workers in other employments should be protected. For instance, domestic servants—they are more entitled to protection than the employees in hotels, who are safeguarded by all sorts of laws, such as the Licensing Act and the Police Act. We are safeguarded in many ways, whereas servants in private

employment and those in other seven-day industries have not got the protection that our servants have. We do not think there should be any exceptions made. You are exempting in this Bill all those private hotels and licensed hotels that employ three hands or less. That is another anomaly. You might have a hotelkeeper who employed a staff of six, and he would be bound to comply with this regulation; yet not far away there might be some one who was in direct competition but employed only three and several members of his family—he would be exempt. That is manifestly unfair. We think there should be no exception to this at all. We say we are quite agreeable to come into line on this six-day-week proposal, provided every other worker in a seven-day industry is brought under the scope of the Act.

8. *Hon. Mr. Massey.*] What other industries are you thinking of?—You have your Police service, your ferry services, tramway service, and your dairying industry. Those in these industries are all seven-day workers, and if this Bill is in the interests of the workers they are just as much entitled to protection as hotel servants. You are selecting the only seven-day industry that is already bound by law to keep open on every day in the year. You are putting another hardship upon us. Therefore we ask for exemption from this, or to be brought into line when you can bring everybody else into line.

9. *Mr. Veitch.*] You want to be the last brought into line?—No; we will all start together if you like; but we do not want to be the first. We have documentary evidence here to prove what this, if it comes into force, is going to cost the different hotelkeepers, and I can assure you that the profits in some hotels now are not what they are generally supposed to be. I speak of my own particular case. I have here figures which show that it will cost me £717 a year if this Bill becomes law. I shall have to employ a further staff of six. You will be told by the other side that it is not necessary—that the hotels can be worked without augmenting the staffs to any appreciable extent. That is all very well. The staffs may say that at the present time. If you went round and asked them whether they thought it would be necessary to augment the staff probably they would say No. But what would the position be if this Bill became law? Take the second cook. He has to start in the morning and do his work and the chief cook's as well. In the afternoon that man would say, "I have worked my full hours already, and I will not work any more." You will have to get another man. I can assure you that these extra staffs would be required. I have a list here that I made out. I got the whole of the waiters into my office and went through the list with them, and they all agreed that these extra hands would be absolutely required. That extra staff represents a cost of £717 that I would have to pay per year, and I can assure you the profit that would be left to me from the Grand Hotel after I had paid that extra money would only represent bank interest on the capital I have invested in my business. That is 12s. 6d. per day for the Grand Hotel. In the Pier Hotel, where the tariff is 7s. a day, it is computed that it would require an extra expenditure of £364 per annum. In the case of the City Buffet Hotel, where the tariff is 6s. per day, the extra cost would be £437. Unfortunately there was not time to get any Dunedin delegates here, but I have a list of several instances in connection with the hotels there. For the Provincial Hotel, where the tariff is 6s. per day, they reckon the extra cost would be £460 per year; Wain's Hotel, extra cost £500 a year; McKenzie's Hotel, £577 per annum; Grand Hotel, £507; Crown Hotel, £374. I have a list in each of those cases giving the details of the extra cost, and all have been duly signed. They show what extra cost the hotelkeepers will be put to if this Bill becomes law, and they are compelled to carry on under the leases that have been entered into and liabilities that have been contracted. If this Bill is put into force we are faced with this heavy extra expenditure, which will mean the upsetting of our business altogether.

10. *Hon. Mr. Massey.*] What is the term of your lease?—I am just out. I may tell you that I will not renew my lease, if I have any option in the matter, if this Bill becomes law, at the same rent I am now paying. The position is that there are a great many people who are bound up in hotels just now who have only entered into the leases recently, and have four or five years to run upon terms contingent on the time they entered into the arrangement; and if this Bill is passed it is going to create a great upsetting of the business, and we consider we are quite justified in asking to be exempted from the hardships that it would entail upon us. We reckon there are ways out of the difficulty, and think that the Arbitration Court should be the tribunal to deal with the matter.

11. Would you be satisfied to have this matter referred to the Arbitration Court?—Perfectly satisfied. If the Arbitration Court says it will grant the concession then we will have to get relief in other directions. They have been altering the conditions without granting us relief, but if they granted us a six-day week based on the wages paid on a seven-day week we would be perfectly agreeable to have the whole matter referred to the Arbitration Court. I might say that the hotel workers of this Dominion have, since the Arbitration Court award, had more benefits conferred on them than any other body of industrial workers. In 1910 there was an award made providing for certain wages and certain hours, but the union was not satisfied. They appealed to the then Minister of Labour, the Hon. Mr. Millar, and in the dying hours of the session an amendment to the Shops and Offices Act was put through giving a weekly half-holiday to all hotel employees who were classed as shop-assistants. Previous to that the hours were sixty-five for all hands, but that amendment reduced them to sixty-two in the case of males and fifty-eight in the case of females. That was to come into force on the expiry of the existing award. That was a direct interference, and if we had had to do that through the Arbitration Court we should have had relief in certain other ways. You will also be told, gentlemen, that the Bill providing for six days a week is working amicably and smoothly in Sydney. That may be so, but the conditions are not nearly the same as here. In the first place, New South Wales for the past ten years has been enjoying a period of unprecedented prosperity. We emphatically protest against being brought under the provisions of this Bill in our capacity as hotelkeepers. We are quite

agreeable to refer the whole matter to the Arbitration Court and abide by their decision. On the other hand, we say, bring all other classes of seven-days-a-week workers in with us and we are prepared to start off scratch with the rest of them, but we do object to being singled out to first initiate this system of six days a week. The employees of the hotels are already safeguarded quite sufficiently by the awards in force at present.

12. *Mr. Hindmarsh.*] As an abstract question, do you not think that the exclusive right to sell drink should at any rate carry with it the burden of one day's holiday a week to the employees engaged in its sale?—Not at all. If everybody else is brought in we will come in too.

13. Others have not the monopoly you have?—We have to pay for a license which others do not pay.

14. There are about seventy thousand people in Wellington, and they give to about fifty men the exclusive right to sell liquor in Wellington?—Yes, that may be so.

15. Do you mean to say, then, that it is too much to ask you to give your employees one day's holiday a week?—An extra half-day; we already give one half-day.

16. A whole holiday to those engaged in the sale of liquor?—Speaking in an abstract way, I might say that we do not desire to keep our staffs hanging about the premises when we do not require them, and we allow them as much liberty as possible.

17. Is it too much for the Legislature to ask you to give to the employees one day's holiday a week when seventy thousand people in Wellington have given forty-seven hotelkeepers the exclusive right to sell liquor?—I say it is too much.

18. They should not ask you in return to give every man and woman engaged in the sale of liquor one day's holiday a week?—No. We have to pay heavily for our business. We are there for the convenience of the public and must be there day and night, and we must have servants at our beck and call.

19. You are there, unfortunately, to look after the landlord?—If the Legislature would look after the landlord for us we might be able to do something for you.

20. You think the whole matter should be fixed by the Arbitration Court?—Yes.

21. Why not try and bring it about?—We cannot; we are helpless in the matter. That would be a step in the right direction.

22. *Mr. Clark.*] In connection with the provision where one man employs three or less assistants, do you think his family should be counted?—No, I do not. If he employed three he could run his family in, and without paying them wages could still compete with the hotelkeeper or private boardinghouse.

23. Supposing he had three daughters and three paid assistants, you think he should not be exempt?—No; why should there be any exemptions at all?

24. If he had three assistants and his wife working there too?—What they do for their own benefit is a different thing. They might take advantage of a wife or daughter being employed without being counted as an employee—they might take advantage of that to get the benefit of the exemption, and yet be in direct competition with others.

25. You think no place should be closed for one day a week unless every one closes?—What do you mean by closing?

26. To give them one day a week off?—We cannot do it; it is going to cost us too much. We could close the whole hotel.

27. Do you think nobody should get a full day a week off till everybody does?—Yes, that is so. Let them all start off scratch.

28. In the case of those who have got a day a week off, would you make them work seven days till everybody gets the concession?—Who gets one day a week off?

29. Take the printing-office?—That is a different class of business. We are talking about domestic servants.

30. You quoted the ferry service?—Yes, I say, bring those in. If you are going to be logical you must bring them all in together.

31. *Mr. Veitch.*] You remarked that you would be agreeable to closing the hotel: what do you mean?—In closing a hotel people do not quite understand what is meant. The average person thinks that means closing the bar. We have got staffs that run the bar portion of the hotel who are exempted on Sundays. Then we have the domestic part of the hotel that runs the residential portion: that portion of the hotel cannot be closed. To close the hotel for even two hours a day we must have special permission. We must keep open at all times to meet the convenience of the public.

32. You would agree to legislation that would close up the whole hotel for one day?—Yes, so that there would be no meals or anything else to get.

33. How can you afford to do that when you cannot give one day a week?—I would accept the loss provided I can participate in the holiday.

34. You say you can afford the loss by closing the whole hotel for one day, but you cannot afford to give the employees a whole holiday each week?—The position is quite different. If we have to grant a holiday to every one of the staff for a whole day it means that we have to go to the expense of getting some one in their places, but if we could close the whole hotel and keep every one out for the one day there is no extra expense.

35. You must lose the same in the profits if you closed the whole hotel for one day?—If a guest comes into the hotel, and it is the law of the land that he cannot get meals on a Sunday or the holiday, that is different. We are prepared to do that if we can participate in the holiday.

36. You say that the hotelkeepers have made certain agreements—that is to say, entered into leases?—Yes.

37. Your own lease is running out?—Yes, but that is beside the question.

38. You do not want the extra expense till the lease has run out, but if you could get a reduction in the rent, of course, you could get over that difficulty?—Decidedly.

39. Showing clearly that the staff are paying that extra rent, which ought not to go to the landlord at all, owing to their working seven days a week when they ought to work six?—It is a question of custom.

40. How have you estimated your extra cost would be £717?—I can show it clearly. I would require an extra cook at £2 15s., two waiters at £1 12s. 6d., a hall-porter at £1 5s., one "useful" at £1 5s., and a housemaid at 16s. Then, allowance for board and residence, six at 15s. per week, would be £4 10s., making an extra cost of £13 16s. per week, or £717 12s. per annum. There is another alternative I could take, although I should not like to, and that is to dispense with waiters and employ waitresses. The waiters are paid £1 12s. 6d. and upwards, and waitresses are paid very much less. It has been the custom to employ waiters in the first-class hotels, but there is a tendency now to engage waitresses instead. There has been so much trouble lately and so much difficulty in securing skilled waiters in this small community, and the Grand Hotel at Auckland now employs waitresses, which has proved a great success, but I should be sorry to see it become universal.

41. So that in all probability we will have waitresses instead of waiters whether the Bill passes or not?—No. If this Bill passed it would have a tendency to hasten that, because a man has to look round, when his expenses are increased, for a way of getting a return, whether you are selling beer or Bibles.

42. *Mr. Atmore.*] You believe, then, in the one day a week holiday?—Generally I believe in it, in principle.

43. You think it would be unfair if the small hotelkeepers or boardinghouse-keepers were not compelled to do the same as you were?—Certainly, because the principle is there if it is the principle you are looking for. The principle in the Bill is the amelioration of the conditions of the workers, and where is the object to be gained in protecting the many already protected and allowing those unprotected to suffer? In my place there are fifty employees and they are already safeguarded, but what about the domestic servant employed from daylight to dark? Is it not as logical to say she should be protected?

44. You believe every man and woman should have one day a week holiday?—Yes.

45. And you believe in a Fair Rent Bill, too?—Yes, certainly. It is the only thing that is going to put us on a better footing. The hotel trade is not what the people of this Dominion think it is. I know hotelkeepers sitting tight to-day who a lot of people think are making money, and yet they are hoping some one will come and buy them out.

46. *Hon. Mr. Massey.*] Do you know anything about the working of the six-days-a-week law in New South Wales?—Yes, I made inquiries when I was there.

47. I understand it only applies to Sydney and suburbs, and not to the whole of New South Wales?—Sydney principally, I think. I only made inquiries in Sydney.

48. Is it a hard-and-fast law?—The position is somewhat different in Sydney, for this reason: They have got a big population, and they can send out at five minutes' notice and get three or four waiters, whereas here I could not get a waiter in Wellington in ten minutes. I have often asked Mr. Carey to send me some, and he could not do it. In New South Wales the conditions are so different. There has been unprecedented prosperity there for the last ten years, and when the hotelkeepers were approached on the matter they said, "Let them have it—we cannot fight it." The hotels were so overrun that they had no time for anything else but to attend to the people. Another point is that the inspection of the hotels there is not so rigid as it is here. For the slightest misdemeanour the secretary of the union or the Inspector for the Labour Department is down on us immediately. I know where mistakes have been made in Sydney with the staffs, but nothing was said so long as it was in accordance with the spirit of the law. They are starting to get a twist-up in Sydney now.

49. Do you know the reason for discriminating between Sydney and the suburbs so far as the six-days-a-week Bill is concerned?—No.

50. In the case of small hotels with three servants and under, do you not think there is a serious hardship on them?—Are you going according to the hardship or the principle? If we are going to be guided by the hardship we consider we have just as much hardship to put up with as any one else. It does not follow because I employ fifty hands that my staff has a worse time than a staff of three. We have got our worries just the same.

51. I am speaking of some of the small country hotels which have two or three servants, and a change of servants would have to be employed?—Very likely.

52. That would mean increasing the expenditure by 33 per cent.?—Yes, just the same as we all have.

53. In your case what would be the percentage of increase?—It would be 17 per cent. There would be a sliding ratio. The percentage would increase after a certain point. In the case of a house employing one servant the increase would be 100 per cent. There is another point which may have escaped attention in regard to those places that ask to be exempted. If we are going to exempt the hotel and boardinghouse that employs three servants, how are the people going to get on, because the servants will say, "We are not going to work there—we will go and work at a hotel where they get a day off." Those people are going to be boycotted to a certain extent.

54. I suppose the increased cost will, after a time, come back on the public?—It is a question. If we do not get some relief in other directions we will have to do so. I am sure that New Zealand, so far as the hotel accommodation is concerned, with the exception perhaps of one or two Continental places, such as Berlin, is the cheapest place in the world for hotel accommodation. There is no question about it.

55. *The Chairman.*] You do give a holiday a week to those engaged in selling liquor?—Yes, they have Sunday off and a half-holiday besides.

56. Those employed in the part of the hotel that is governed by the license get the privilege of a day and a half a week off?—Yes.

57. Now, referring to the closing of the hotel absolutely on Sunday, if it were possible, there would not be any loss in closing the remainder of the hotel on the Sunday?—There would be a slight loss, but not the loss there would be if we had to put on an extra staff. To close the whole hotel would be the least evil.

58. What limit do you suggest with regard to the exemptions?—I would not have any limit at all.

59. What about the people who have a small place like a private boardinghouse where there is a widow and children?—You are bringing up the widow again.

60. They exist?—Yes, that is so, and that is an unfortunate condition. I would not like to venture to suggest any remedy, because if we are going to make exemptions that is where the trouble will come in.

61. *Hon. Mr. Massey.*] It is a fact that a number of widows keep boardinghouses in order to enable them to make a living?—Yes, but they do not last very long. They keep coming and going, and then start afresh somewhere else. It is very hard to make a living in a boardinghouse now. A woman came to me and said she had a chance of taking a boardinghouse with thirteen boarders at a cost of £250, including furniture, and I found on looking into the matter, and allowing nothing for depreciation of the furniture and house, that she would make under £1 per week at the very outside. Unless a place has got over a maximum number of guests it is hard for them to make it pay.

62. Then, would it not be a hardship to make the provisions of this Bill apply to them?—Yes, but we all have to be considered.

63. *Mr. Grenfell.*] Your idea is that all those who employ assistants should come under the provisions of the Bill?—Yes.

64. That would not affect widows?—No.

65. *Mr. Carey.*] The fifty hands you employ are employed towards promoting the profit of the business?—Certainly.

66. The domestic employed as a nurse-girl or a handy maid in a private house is not employed towards promoting the profit of the household?—This Bill is not dealing with profits.

67. Is a girl in that case doing so?—No.

68. You say you want all people to be brought under the same conditions as this Bill proposes to bring hotelkeepers?—Yes.

69. Are you prepared yourself to be brought under the same conditions—the fifty-two hours per week?—Let them all be brought under the same scope as this Bill proposes, and we will agree to come in on the same conditions.

70. Then I understand you to say that if this Bill will bring all workers to six days a week you will agree with it?—Yes.

71. You say it is unfair for some to be singled out?—Yes.

72. Is it fair for hotelkeepers to have the privilege of employing assistants for six and eight hours a week longer than others?—Certainly. The law says we must keep open for the twenty-four hours to meet the exigencies of the travelling public. We have to keep them there day and night, and we have to be there for people who may come in at any time. The shops close at a certain time, and there is an end of it.

73. Merely because a hotel has to be kept open the assistants must be employed longer than any of the shop-assistants?—Yes.

74. Who owns the Grand Hotel?—Hamilton Gilmer.

75. What rent do you pay?—I do not think that is a fair question. If there was a Fair Rent Bill brought in that would help us considerably. I am prepared, if necessary, to answer the question. I pay a rent of £75 per week.

76. The hardship is really on the rent?—That is one of the factors.

77. You suggested that this matter should be left to the Arbitration Court?—Yes.

78. Would you oppose the concession of giving one day a week holiday if the matter was considered by the Arbitration Court?—Well, I do not know. I do not think I would.

79. Did you oppose the giving of the half-holiday when we asked for it?—Certainly, and the Judge would not grant it.

80. The award in Sydney is a Wages Board award?—The employees get half a day under one Act and half under another.

81. But a whole holiday is given by the Board?—Yes, it is by agreement.

82. There are no casual waiters in Wellington because there is not enough work to keep them casually employed?—I do not know the reason.

83. How often would you want a casual waiter?—Not often. My staff has stuck pretty close to me.

84. You do not expect a waiter to remain about for casual work to suit your business?—No. I would not expect that.

85. None of your bar-assistants are employed on the Sunday?—No, except the one barman.

86. You are interested in the Clarendon Hotel in Christchurch?—Yes.

87. Has the management there been in the habit of giving one full day a fortnight instead of half a day a week?—Yes, prior to my taking it over.

88. Has it worked all right?—No, it did not.

89. *Mr. Davey.*] Does the amount you pay for rent cover rates too?—No, I pay rates and taxes, which amount to nearly £400 a year in addition.

90. *Hon. Mr. Massey.*] Have you any idea what the hotel cost to build?—No, that is the trouble. I am paying 6 per cent. on the estimated cost of the hotel, and as it was built by day labour and by the proprietor it is very hard to find out the exact cost. The cost of the hotel and land is reckoned at £65,000—that was seven years ago. I reckoned it really at £45,000.

91. *Mr. Davey.*] Six per cent. is not out of the way?—No, not if that is the actual cost of the land and building.

92. And you pay what in rates and taxes?—£375, and also repairs and maintenance.

93. You have to pay for the renovation of wall-paper which may be damaged?—Yes; that is where the hardship comes in. We are not getting all the cream of it.

94. *Hon. Mr. Massey.*] Have you looked into the question of the feasibility of a Fair Rent Bill for hotels?—We have discussed it on various occasions, but it is hardly a subject for the licensees. You have a Tied House Bill which is inoperative.

95. *Mr. Hindmarsh.*] They can determine your lease at any moment?—Yes, one conviction for any offence is sufficient to terminate your lease.

96. *Mr. Davey.*] And you cannot sell without their consent, can you?—No, you must get consent to the transfer of the license, but you can force the consent unless they have something to bring against the incoming licensee.

97. *Mr. Hindmarsh.*] Do they still put a clause in the lease that the rent is reducible if the licensee buys his beer from some one in particular?—That is the tied house. My rent would be £85, but it is £75 if I take my beer from Staples.

98. *Hon. Mr. Massey.*] Is Mr. Gilmer Staples and Co.?—Yes.

99. *Mr. Atmore.*] You evidently think that if the Government bring in legislation that increases your cost of management the Government should also look into the question of the rent?—Exactly. That is what the Arbitration Court would do. If they increased our expenditure in one way they would relieve us in some other direction.

100. If the Government bring in a law of this kind which increases your expenditure, then they should in fairness overhaul the whole transaction?—Yes.

101. In other words, bring in a Fair Rent Bill?—Yes, that would relieve us to a certain extent. There are certain things which we cannot put on to the public. If you put 3d. on to a hogshead of beer it would stick with the hotelkeeper all the time and not with the public.

102. *Mr. Hindmarsh.*] It would have to be done or wipe out the trade altogether?—That would be more serious still.

ERNEST NORDON examined. (No. 32.)

1. *The Chairman.*] What are you?—I am secretary to the Canterbury Licensed Victuallers' Association, consisting of 126 hotelkeepers spread over eight electoral districts, including the City of Christchurch. I do not propose, Mr. Chairman, to weary the Committee by reiterating what has already been said, but I desire to endorse the statements made by Mr. Beveridge, and also to put in one or two statements from the South Island in regard to the extra cost which will be entailed upon hotelkeepers by the passing of this Bill. In the case of the Zetland Hotel, Christchurch, the tariff of which is 5s. a day, Mr. O'Malley says it will cost him £4 17s. 6d. per week in the event of this Bill providing for six days a week becoming law, and in that estimate he has not included the cost of board for the extra servants. In the case of Warner's Hotel, where there is a staff of thirty-five employees, the extra hands required to enable the employees to have a full day off each week would cost £611 per annum. For the Clarendon Hotel, Christchurch, the tariff of which is 10s. 6d. per day, the annual extra cost would be £513 10s. For the White Hart Hotel, £300 per annum, and Excelsior Hotel, Christchurch, over £300 per annum. The various hotelkeepers have asked me to place this information before the Committee, because, owing to the short notice, they have not been able to attend personally and give evidence. So far as the Bill is concerned, on behalf of the people I represent I desire to say that we very strongly object to any exemptions whatever. The question of widows was raised, and so long as these exemptions are allowed on sentimental grounds it is decidedly unfair. So far as Christchurch is concerned it would be distinctly wrong to legislate against licensed hotels and exempt certain private hotels and boardinghouses, because you would at once place them in unfair competition with the hotels. It was suggested that the State gave the exclusive right to forty-seven hotelkeepers in this city to retail liquor, but I would point out that I do not think there is a hotelkeeper who would not agree with what I say, that they do not think anything of that exclusive right. It is the State that has created the monopoly by refusing to increase the number of licenses and by prohibiting free trade in liquor, and if there was more freedom in the matter you would very soon do away with the monopoly. It is a privilege that the hotelkeepers do not think much of. The State calmly takes 16s. per gallon duty on all spirits consumed in this Dominion, and it profits very largely out of the liquor traffic. Then I want to draw the attention of the Committee to clubs. It is very fashionable nowadays to attack the liquor traffic, and if any experiment is to be made to start off with the licensed house, but there are clubs, among them working-men's clubs, where the servants work fourteen or fifteen hours a day. These clubs have no regulations restricting them, and I say it is distinctly wrong that all these regulations should be placed against the holders of licenses who conform to the laws and do their best to see them carried out. Speaking for the hotelkeepers as a body, we are all in favour of six days' work a week if it could be carried out. I am not in favour of working any man more than six days a week, but the internal economy of the hotel is so different from that of other businesses that it is not practicable to carry out such a scheme and at the same time give the same attention to the public as under the present conditions. I know that some members of

the Committee will suggest that the tariffs should be raised, but I would point out that it is not fair to ask us to put up the tariffs in licensed hotels if you are going to exempt private hotels and give them a chance to continue under the old conditions. That would give a handle to the people to go from the licensed house to the private hotel. I want particularly to refer to clubs, because if this legislation is to be brought forward it is the duty of Parliament to not only include hotel servants but the servants of clubs. Now, with regard to the domestic servant, I would like to point out to the Committee—and I would like to say that if Parliament is honest it cannot exclude this point—that the domestic servant is the most overworked worker in the community. If there is a desire to protect the workers of the Dominion, well, do not take out one particular section, but treat them all alike. There are many domestic servants in this Dominion who are working all hours, and if it is necessary to legislate for the benefit of servants then all servants, including domestics, should be included. I would also like to reiterate what Mr. Beveridge said in regard to the workers employed by the State getting six days a week. I would point out particularly the Police Force. According to the newspaper reports even conservative old England has just passed a law which gives the members of the Police Force in England a full day's holiday in every week. If Parliament is honest and wants to give all the workers decent treatment, then why not start off with your own employees?

2. *Mr. Davey.*] In regard to the payment of the housemaid, you quoted 17s. 6d. as the wages paid in Christchurch?—Yes, it is 17s. 6d. in Christchurch and 16s. in Wellington.

3. *Mr. Hindmarsh.*] You know that legislation is a matter of compromise, do you not?—Well, it should be a matter of principle.

4. What about old-age pensions—why begin at sixty-five?—That is a question.

5. This principle you are harping on now is like clause 9—you remember that?—Yes. Parliament would not have clause 9, although it was a fair and just proposal.

6. Your concern for the domestic servant is to block this Bill, is it not?—No. I take up the same position that Mr. Beveridge took up. I say that if you allow the licensed hotelkeeper to close his hotel entirely, and give the hotelkeeper a chance to have a holiday as well as the employee, then I am quite in favour of this six days a week.

7. I do not see how it would ease your position at all if we were to enact a law that every domestic servant should get a whole day's holiday per week?—Everybody would start off from scratch, and then we would probably approach Parliament with a view to getting Parliament to allow us to close the residential portion of the hotel on Sundays. One has to remember the internal management of a hotel. The travelling public have a nasty habit of coming along on a Sunday and wanting the same attention as on any other day, and if they do not get it they are going to kick up a noise. It does not affect only hotels such as Mr. Beveridge's, but there are residential hotels charging 5s. and 6s. a day which are going to be affected considerably.

8. *Mr. Clark.*] You think there should be no sentiment in legislation at all?—I do not believe in sentiment in these business times. This is a utilitarian age.

9. You do not believe in the widow?—That is another question of sentiment. These widows have two or three daughters, and they are probably in a better position than the widow who has not got a daughter.

10. *Mr. Atmore.*] Do you think that a man or woman working in a hotel where there are less than three workers employed has just as much right to one day's holiday per week as one who is one of a staff of sixty or seventy?—You mean the exempted places?

11. Do you think that every man and woman is entitled to one day's holiday in a week?—Theoretically, yes; but, as I pointed out, the internal working of the residential portion of a hotel makes it so different to other classes of business that it is not always practical to give that one day.

12. Do you believe in the principle of every man and woman having one day's holiday a week—it is not the theory we are talking about?—You cannot put it into practice and keep up the efficiency of the hotels as at present.

13. You are against every man and woman getting one day's holiday every week?—No. I say every man and woman should have one day's holiday, but it is not possible in the hotel business if you want to keep up the efficiency as at present.

14. Do you believe in the principle that every man and woman should have one day off in each week?—I must qualify the answer.

15. You are fencing it?—I am not.

16. You heard Mr. Beveridge say that he believed in every man and woman having one day off, and he did not qualify it?—And I have said the same thing.

17. Do you believe in every man and woman in New Zealand having one day off every week?—Yes, undoubtedly.

18. Do you believe in every tenant having his rent fixed by a Fair Rent Court?—I would not like to express an opinion on that point. I am not a hotelkeeper.

19. But you are representing them and are supposed to know about the internal economy of a hotel?—I suppose it is part of the internal economy of a hotel. As a general principle I may say I am in favour of a fair rent being charged for a hotel, but I have never thought of the machinery to be set up.

20. But you are representing 126 hotelkeepers?—I might say that the association I happen to represent is perhaps different from some other associations in the Dominion. It consists of both wholesalers and retailers, and wine and spirit merchants. The conditions in the trade in Christchurch are not perhaps so bad as they are in other parts of the Dominion with regard to rents.

21. *Mr. Carey.*] Do you employ a domestic servant?—I am a lone bachelor.

22. Do the people who employ domestic servants compete with each other?—The boarding-house-keepers that employ domestic servants do.

23. Supposing Parliament wants to make sure that the widow and daughter keeping a boardinghouse shall not be affected by the hours regulation in this Bill, what better definition than the one proposed in the Bill can you suggest?—The only definition I could suggest is to leave out all the exemptions which I understood you were in favour of.

24. You say the hotelkeepers in Christchurch want no exemptions in the Bill at all?—Precisely.

25. Do you know that the licensee of the Clarendon Hotel in Christchurch gave the employees one whole day a fortnight for some time?—Yes, under Mr. Collins's management.

26. And it worked all right?—No, it worked badly. It was his intention if he remained in the hotel to give up the system.

27. Who stopped the practice?—Mr. Price, I believe.

28. You spoke about board and lodging for employees. As a matter of fact, board and lodging under the award is part of the wages, is it not?—Well, I suppose it is.

JOHN HENRY PAGNI examined. (No. 33.)

1. *The Chairman.*] What are you?—I am secretary of the Auckland Licensed Victuallers' Association, which comprises as near as possible eighty hotels, and I am also licensee of the British Hotel, Auckland. The position to my mind has been made so clear by the previous speakers that it has left very little for me to add. The Auckland hotelkeepers have gone fully into the question of exemptions, and they hold that there should be no exemptions whatsoever. If there are exemptions made in the case of an employer who has three assistants or less that employer will find that he will not be able to obtain any labour at all, because no one would work there when he could get employment at another place for six days a week instead of seven. It would be unfair to have any exemptions in the Bill, and we consider it should be the same with all. We did not know in Auckland until Saturday last that this matter was coming up so soon, so I managed to visit some hotelkeepers and get statements from them as to the extra cost which would be entailed if this Bill were put into force. In the case of the Star Hotel I obtained a statement which shows that the extra cost would amount to £8 2s. 6d. per week, or £422 10s. per annum; for the Albert Hotel the extra cost would be £6 12s. 6d. per week, or £344 10s. per annum; and in the case of the Royal Hotel £9 10s. per week, or £494 per annum. Then, taking my own hotel, which is somewhat small, if the present Bill becomes law I would have to engage two extra hands, which would mean an extra cost of £237 per annum. Regarding the question of the suggested amendments in the Bill, the Auckland association considers that something should be done by Parliament on the lines indicated by Mr. Beveridge.

2. *Mr. Windmarsh.*] Your trade resists every change in regard to the conditions of the employment of servants?—Somewhat.

3. Now, is not your opposition to this Bill very much of the same class as your opposition to the Bill relating to the employment of barmaids?—Not necessarily.

4. You know that public sentiment in New Zealand is opposed to the employment of women in bars?—I do not think so.

5. Parliament has tried twice to bring it about?—That does not prove anything.

6. Your association in Auckland has fought this matter there?—Yes, and rightly so.

7. Why?—On a question of principle that it was taking away the right of women to do that kind of work. We hold she is just as much entitled to earn a living as anybody else.

8. The same kind of opposition is shown to this Bill as to the Bill relating to the employment of girls?—What we say is that if there should be six working-days a week let us as employers have the same privilege as the employees. We are on duty practically from the 1st January till the 31st December, and if we get away for half an hour or half a day and something happens we are held responsible. Take my place in Auckland: I am responsible for everything whilst here giving evidence.

9. You are opposed to this Bill on principle, you say?—I say if any law is to be put on the statute-book it should apply to the whole community.

10. Your association opposed the non-employment of women in bars on principle?—Quite so.

11. And we may take it that a similar principle is behind your opposition to this Bill?—Yes. It is not workable.

12. *Mr. Clark.*] Do you not think it is possible to increase the tariff?—I do not think so. If you remove the restrictions against the trade probably we might be able to, but with the restrictions placed upon the trade since the local-option poll has been in existence we cannot call our souls our own.

13. Are you not going to increase the tariff at exhibition time?—It has been suggested, but no one has done so. You cannot put it into operation.

14. *Mr. Grenfell.*] With regard to engaging additional hands to provide for the holiday, in the employment of an extra man in the kitchen you would have your other wages affected by the fact of there being an extra man there?—Quite so.

15. Would not that mean that the wages of the other men in the kitchen would go up?—Yes. Under the present award in Auckland, which is applicable pretty well throughout the Dominion, if you have three or four hands the wages go up.

16. With an extra man in the kitchen it would mean that the wages of the man above him would go up?—Yes.

17. *Mr. Veitch.*] That is governed by the award, is it not?—Yes.

18. But is it not a fact that that award goes out of existence if you get other legislation?—It would now, because really it has expired, but we are working under it until superseded by a fresh award.

19. Is there not a clause that takes it out of operation?—No. It has a protective clause at present. In Auckland we are supposed to work sixty-five hours a week, but I can assure you we do not. We cannot see that we should be compelled to do a certain thing which we do voluntarily because the exigencies of the trade do not permit us. The internal arrangements are so peculiar and are not identical with any other trade.

20. Then there is not a clause in the award that you are working under providing that if fresh legislation is brought in with regard to service conditions that the award will go out of existence?—In our present award there is a clause safeguarding that particular position.

21. Does it say you go back to freedom of contract?—No; it protects us in the case of legislation being passed.

22. If fresh legislation is carried it will mean you will go back to freedom of contract?—Not so far as wages are concerned. The point raised was whether by increasing the number of hands in the kitchen the wages of the others would automatically increase.

23. The award provides for the wages, and you admit the award will go out of existence if this Bill passes?—Only so far as the hours are concerned, but not the wages.

24. *Mr. Long.*] You heard the evidence given by Mr. Nordon?—Yes.

25. Do you agree with it?—Not in its entirety.

26. You heard him say that if this Bill comes into operation it strikes at the efficiency of management in hotels: do you agree with him in that?—I really do not know what conditions exist in Christchurch. Personally I should not think it would apply to Auckland.

27. You are all working under the one Licensing Act?—Quite so.

28. Boiled down, is not the whole matter a question of pounds shillings and pence?—Not necessarily.

29. Is it not a matter of cost, according to the statements you have put in?—It is a matter of cost in a way, but it is not narrowed to pounds shillings and pence.

30. Is not that your chief objection?—That is one of the objections. The other objection is that we want to enjoy a holiday as well as anybody else by allowing us to shut the whole place down.

31. You know that is absurd. Have you got any members of your association who employ three or less hands?—Yes.

32. Do they agree that there should be no exemptions?—They say there should be no exemptions whatsoever, and that everybody should be included.

33. And the men who would have the right of claiming exemption do not want the exemption?—Quite so. They are fighting for a principle.

34. How long ago is it since your association met and discussed the question of increased tariffs during exhibition time?—It would be three or four months ago.

35. And did you not distinctly decide then that there should be an increase in the tariff?—It was decided to increase the tariff owing to the increased cost of commodities.

36. For how long?—They did not say for how long—I presume during exhibition time.

37. And do you think you will have a decreased tariff after the exhibition is over?—I am not prepared to say. I could not say what they intend doing.

38. How much is the proposed increase?—They proposed to increase it by 1s. per day, but it has not yet been done. They could not do it—people would not stand it. On the other hand, they are asking for reduction.

39. *Mr. Grenfell.*] You said there were certain people in Auckland who do not desire the exemption?—Yes.

40. Was it not because they recognized that they would be boycotted by the workers if they endeavoured to work them seven days a week while others worked them six days?—Quite so. The position would be that any one having a hotel where they employed three or less assistants could not get any one to work for them because of the extra day per week as compared with another hotel where they would only work six days. The man employing three or less assistants, to my mind, would be boycotted.

FRIDAY, 29TH AUGUST, 1913.

JOHN HOWARD HINTON examined. (No. 31.)

1. *The Chairman.*] What are you?—A master grocer in business in Dunedin.

2. Do you represent any association?—We represent the Master Grocers' Associations of New Zealand. This would be really a Dominion deputation were it not for the fact that we have no representatives from Auckland, but all the other principal centres are represented.

3. Will you make a statement to the Committee?—Well, gentlemen, as an association we have been considering the proposed Shops and Offices Bill, and while we recognize that there are a good many improvements, such as those which were suggested at our last deputation before this Committee, there are quite a number which we desire to have slightly amended. The first point is in regard to the wages-book. We are quite satisfied that the provision in regard to the signing by the employees as well as the employer for the weekly wage is a safeguard both for us and for the employee, and we desire to see that incorporated in the Act when it is passed. That is clause 4. On the other hand, we feel that it is really not necessary that we should be called upon to keep our wages-books for two years, because the Act specifies that any action which is to be taken in

reference to the short-payment of wages must be taken within six months, and we think if "six months" was inserted in lieu of "two years" it would answer the purpose just as well. The most important objection we raise to this Bill is in connection with clause 8. In our deputation to the Minister of Labour, and also when before this Committee last year, we emphasized the necessity for the award of the Court of Arbitration in connection with hours being paramount to and not subject to the Shops and Offices Act, for the reason that the Court of Arbitration is established for the purpose of dealing with special circumstances and special conditions in particular trades, and the members of the Court hear evidence on both sides and are qualified to give a proper and correct interpretation of what the hours should be as agreed upon between the parties. Whilst in this Bill you have given us what we asked for, in subsection (6) of clause 8 it says, "This section shall operate subject to the provisions of this Act, and to any award of the Court of Arbitration." By the one clause you give us what we want, but you take it away from us in that you say, "Provided that an 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 hereof." It is a little puzzling to us to understand where the advantage is in giving us this first part of clause 6 and taking it away in the second part. In Dunedin within the last few months we have agreed upon an award with the shop-assistants which did not come before the Arbitration Court. It was a matter we were able to arrange amongst ourselves, and the following clause was agreed upon as fair: "The following provisions shall come into force if and whenever the law shall be amended so that it shall be lawful to insert in any award the provision contained in paragraph (*a*) hereof: (*a*) Any employer may require his assistants or any of them to work without additional pay for two hours each night for three evenings a week in each of the three weeks immediately preceding Christmas Day, and also for three hours on Thursday before Good Friday." That provision came into force on the 1st February, 1913. You will see that our assistants recognize that in regard to the special rush which takes place in the grocery trade some special consideration is necessary, because our assistants get considerably more holidays than are specified for in the award or Act. In addition to the 1st January we give them the 2nd January as well, and it has become the unwritten law, although not in the award, that they get Easter Saturday as well. It is recognized as a public holiday now. The assistants get from Easter Saturday to the Tuesday, so they reckon some *quid pro quo* is a fair thing. That is what we consider our main point. We consider the Bill stultifies itself in taking away what it has already given in a previous clause. Another point we desire to emphasize is in connection with overtime. The Minister, in formulating this Bill, has recognized our contention of last year by providing that the consent of the Inspector only shall be required for youths and women in regard to overtime in the same manner as the Factories Act applies. Adult male workers are supposed to be able to look after their own interests without the necessity of any written consent by the Inspector as far as overtime is concerned, so that it seems to us that the restriction which has been placed upon the overtime question is not more necessary in this Act than it was in the Factories Act. You have fastened us down to the hours of employment in subsection (5)—"Every shop-assistant employed during extended hours shall be paid therefor at half as much again as the ordinary rate." After providing that overtime may be worked by shop-assistants without the written consent of the Inspector you bind us down in this way: "For the purposes of stocktaking, or other special work not being the actual sale or delivery of goods, such working-hours may, notwithstanding anything in section five hereof, be extended, but not for more than three hours in any one day, nor more than ninety hours in any one year, nor on any half-holiday." Of course, it is a fair thing that it should not be for more than three hours in any one day. By the time a man has worked his day and three hours beyond we recognize that he has done quite enough, and, of course, we do not object to paying him for those three hours in any one day except as provided for in this clause of our award, but we do think that there is no necessity to bind the employers and employees down to ninety hours for the year. Whilst in many cases it may not be necessary to work ninety hours in the year, we maintain that we ought to have the same right as the employers under the Factories Act of having their male adult assistants back when they want them for the purpose of work which has to be done. Now, this applies to our trade very particularly, and you can see this, sir, that the employers are not going to take any undue advantage of any liberty which is granted them in this respect as far as employing their shop-assistants is concerned. They are not going to pay a man time and a half if they can do the work in the ordinary time. Any time paid for over and above the ordinary working-man's wages is really a loss to his employer if the work can be done during the legitimate and recognized hours of trading, and therefore, unless the employers absolutely need the men, they are not going to bring them back and pay them time and a half. We contend that the employees would be quite well protected by an Act specifying that they are to receive overtime for all the work they do after a certain time without binding us down to any specified number of hours per annum. The Factories Act does not recognize any such necessity, and the work in shops is even lighter than the work done in a very large number of factories. This also applies with special force to carters who deliver goods. As you know, under the old Act, the Act which this one is supposed to supersede, we had to apply for the written consent of an Inspector for a man to be out delivering goods after 6 o'clock at night. Now, unforeseen circumstances, such as wet weather or a breakdown, positively prohibit an employer getting the consent of the Inspector, as the office closes before the necessity of working overtime is recognized, and in such an event the fiasco is perpetrated of having to ask the Inspector next morning for his consent to work a man the previous night. That is making a farce of the law of the country, and it was a clause as to which really no shopkeeper could depend upon keeping within the strict letter of the law. He was really compelled by his business to work later, and we maintain that any law which is not practicable in the ordinary work of a man's business should not

be there to hamper and restrict and to worry him in the way that clause did. While on the point of the payment of overtime, there is another question in connection with attention to horses. We maintain that so far as attention to horses is concerned there is no necessity for the Shops and Offices Bill to legislate for that at all, because the awards throughout the whole country apply. It is recognized that every man who drives a horse has to give that horse a certain amount of attention not only during the week-days, but on Sundays as well. It is one of the hardships, I admit, probably, of a man dealing with horses that those horses have to be attended to just the same as human beings have to be attended to on Sundays, and we object to the restriction binding us down to giving a man a certain wage for driving his horses and then that we should be saddled with the little extra work he has to do about the stable in having to pay him time and a quarter. It will run into something like eight hours a week, and you might as well fix that man's wages at £3 5s. instead of £2 10s. It is recognized as part and parcel of a driver's work. Those are our principal objections to the Bill, and the principal amendments we desire introduced into it. There are one or two smaller ones. The provision in clause 11 (*d*) regarding default in payment of wages, fixing a fine of 5s. a day while the default continues, seems to us to press rather hardly, because in nine cases out of ten the default of an employer in paying his assistant's wages is the fault of the employee himself. It is mostly with the junior employees. The employer is not aware of the fact when the boy's birthday is. The boy forgets to mention it, and thus an unintentional breach of the award is committed. We think that we should have a little longer time to make good that default. 5s. a day is a very heavy penalty, although probably it would not be inflicted. We suggest that the time be made fourteen days, because the Act itself specifies fortnightly payment of wages, and the wage could be made up at the next fortnightly payment immediately thereafter. The Christchurch representatives are going to deal with the points regarding closing-hours. As to heating, if you were familiar with the conditions under which the various trades are carried on you would recognize that whilst heating, particularly in draughty shops where women are employed, would be a very great advantage, there are circumstances under which it would not be either convenient or advisable. We do not think that the grocery trade is one which really requires any consideration as regards heating. A good deal of the work is heavy work, and if a man feels cold there is plenty of work he can find to do to bring up his circulation. We consider that if this clause does remain in the Bill some more elaborate provision should be made specifying the kind of heating, so that it should not be left entirely and solely, as it is with the present vague words, in the discretion of the Inspector. You will recognize that this puts large powers into the hands of the Inspectors, many of whom, we willingly admit, work very harmoniously with the employers; but at the same time it puts a very serious power for mischief into the hands of a man who may be inclined to be a little cantankerous or to take a "set"—we have known it happen—on any particular employer in any branch of trade. It gives him an immense power for putting that shopkeeper to expense. He might demand that heating-appliances be put in which might run the employer into a very large sum of money. Whilst we are not prepared to suggest any alternative, we think that your Committee would do well to think over the clause a little more and give us a little further protection from the possible vagaries of any Inspector who may be put over us. With regard to clause 43, you give us fifteen minutes' grace after the closing of the shop. There are many circumstances under which this fifteen minutes' grace might press very hardly. I think we may take it for granted that no shopkeeper wants to take any mean advantage of his employee as regards the few minutes that are allowed us after the actual closing of the shop. But supposing the shop has been full right up to 1 o'clock. The assistants have a certain amount of work to do in covering up perishable products. Many of them have their cash to balance. Most of the shops now are run on the cash-register system, under which each man is responsible for the money in his own till, and that man cannot get away from the shop until the cash has been proved to be correct or that the shortage, if any, is not in his till. Supposing the cash does not work out, the cash-register slip has to be sorted out so that the shortage may be sheeted home to the man in whose drawer it has actually taken place, and then and there he may probably be able to give a satisfactory solution of the shortage. If it is left till the next day the matter has gone from his mind, and very often that is apt to cause serious trouble. We do not think that any employers in our trade would take a mean advantage of thirty minutes' grace in the way of making a practice of it. I think you may well give us thirty minutes there in case we should need it. Clause 49 (*a*): "With respect to proceedings by an Inspector against any person for any offence against this Act the following provisions shall apply: The proceedings shall be commenced within three months after the offence was committed." We ask that the proceedings shall commence within one month instead of three, because that gives an employer the feeling that ancient history is not going to be raked up against him, and that he can conduct his business without fear of undue persecution.

4. *Mr. Davey.*] With regard to that last remark, have you ever been unduly or unfairly persecuted?—We have known cases where we have been unduly persecuted—certain individuals, not as a trade. I am not going to say that it was not through their own fault. They may perhaps have treated the Inspector a little cavalierly and thus got him down upon them. But we know there are circumstances under which Inspectors are inclined to make a personal matter of their grievances and be pretty severe on certain individuals in the trade.

5. You commented upon the clause in the Bill which gives you fifteen minutes' grace. Assuming that the shop was full at the proper time of closing, would you be satisfied if you had to close your doors and simply serve those customers: would not that be sufficient?—Not if you tie us down to fifteen minutes. Supposing there are a dozen people in the shop; it may take pretty well fifteen minutes to serve them. You cannot shut a customer off short and say, "I have no time to give you any more." Even after the assistants have served those people who are in the

shop they have still their cash to balance. You cannot start balancing your cash while the shop is full.

6. How long does it usually take to balance the cash?—It may take anything from ten minutes to half an hour. It depends whether it pans out correctly.

7. How often does it pan out correctly?—That depends on the assistants. Sometimes we will have a spell of two or three months without there being any difficulty with the cash. At other times there has been a paid-out made and it has not been put through the register. The man to whose till that shortage is sheeted has to tax his memory until he can give some account.

8. Is it worth while extending the time for the sake of instances which may happen only once in three months according to your own admission?—You are not legislating really for everyday work—you are legislating really, I take it, for particular circumstances; and under one of these circumstances, if we do happen to have our assistants there for the half-hour, necessarily we are committing a breach of the law. As I say, we do not propose to take any mean advantage of any concession that is given in that way. I question very much whether the fifteen minutes' grace is used except under necessitous circumstances. I know that my employees are often away within three minutes of the hour when there has been a slack spell just before closing-time, and they have been able to put up the shutters and get all their stuff fastened up before 6 o'clock. But we want protection for special cases—for cases when we may need the extra fifteen minutes.

9. Would you be agreeable to inserting a clause in the Bill that wages must be paid weekly?—I do not think there is any objection. Personally I pay my wages weekly. I think the general rule is to pay weekly.

10. With regard to clause 11 (*d*) and this default for seven days, is not that long enough in your opinion, especially if you pay once a week?—The point I endeavoured to make was this: it is very often the fault of the employee himself that he does not get his full wages, because where a man is employing a considerable number of younger hands their birthdays come round so quickly that an employer may not really be aware of it unless he has got them all scheduled. The onus, to my mind, lies on the employee to inform his master when he reaches the age which entitles him to a rise. It is only fair that he should.

11. With regard to clause 4, you say you believe in the addition to the clause providing that when an employee signs the book for his wages he shall also sign it as a certificate of correctness?—That is so.

12. Do you not think that might work out very unfairly sometimes to the employee? How can he be sure that the sheet is correct which he signs?—The man who is most sure of his age and the wage that he ought to be getting is, I take it, the man himself. Therefore, if he makes default in claiming any deficiency in his pay, it is surely a fair thing that he should stand, at all events, a part of the responsibility.

13. That would entirely absolve the employer from blame if the employee made a mistake in signing that book?—I think so. I do not think there would be any chance of its being very long perpetuated.

14. But there is no bringing the employer "up to the scratch" if a mistake is made?—The trouble has been hitherto that all the responsibility has been thrown on to the employer, and this, we take it, is a very fair way of sharing the responsibility.

15. I do not see any sharing in this at all. The clause says that the certificate he signs shall be a clean receipt?—The man who is receiving the money is the man who should see that the amount is correct. We regarded this provision in the Bill as a safeguard which we welcomed, as we had not had it before.

16. It is undoubtedly a safeguard to the employer, but it seems to me there is no safeguard whatever on the other side. If something could be done to safeguard both sides I am with you?—We would be quite prepared to consider and give our opinion on any suggestion you might make dealing with a safeguard on the other side.

17. *Mr. J. Bollard.*] You say that the quarter-hour's grace after closing-time is not sufficient on many occasions to serve the customers in the shop and balance the cash. Would you agree to close a quarter of an hour earlier so as to give you half an hour?—There would be a little difficulty in that, in that people recognize the complete hour as the time of closing, and I do not see that the difficulty would be really got over. I did not say that the half-hour would be needed on many occasions. What we claim is protection for ourselves in case of the half-hour being needed. I suppose that on eight days out of ten our employees get off within five minutes of the hour having struck.

18. *Mr. Veitch.*] You say that the drivers always have to attend to the horses that they drive: are you quite sure that is correct?—In a big firm where they have quite a number of vans and horses it is quite possible that they may have a stableman who would do that work, but in a small business where there is only one or, perhaps, two horses the man who drives the cart is looked upon as the caretaker of the horses.

19. Does that not show that it would not be fair even to the employers to fix the wages without making special allowance for the time employed in looking after horses?—This is the award: "The minimum rate of wages which shall be paid to drivers of the age of twenty-two and upwards shall be £2 10s. per week."

20. That is fixed by the Arbitration Court on the understanding that the man has got to do the other work at a special rate, is it not?—No. I do not think so. I think it is meant that the driver shall do his work and attend to his horse for £2 10s. a week. That is the understanding.

21. *Mr. Davey.*] There is no provision in the award to that effect?—There is no provision to any other effect.

22. *Mr. Veitch.*] You say the fifteen minutes' grace is not enough, and you would like it fixed at thirty minutes. That would render the employees liable to serve a little more time every day in the week if it should happen to be necessary, would it not?—That is so.

23. Would not that really amount to a lengthening of the hours without increasing the remuneration?—Yes, but the——

24. What remuneration would you propose to give to these men under the circumstances?—It is hardly conceivable that in any one week there would be more than one occasion arise for this half-hour to be worked. In fact, it might go for weeks and months without there being necessity for working the half-hour. I have rung up my shop from my house a few minutes after 6 and have found them away time after time, until I have got into the way of thinking that if it is five minutes past 6 it is no use trying to get any response from the shop.

25. I can see the force of your point, but it seems to me a most unfair thing to put those men in the position that they cannot depend on getting away from work until half past 6 on any day, and it certainly puts every employer in the position that he can take that half-hour every day in the week if he wishes to?—I think that if he were to attempt to do it with anything like regularity the employee would very soon "jib." I know that I would if I were an employee, because the half-hour would not be put there to be used except under special circumstances.

26. You will admit that it is rather a difficult thing to jib against the law and the employer at the same time?—It would not be jibbing against the law and the employer; it would simply be jibbing at an abuse of the law by the employer.

27. With regard to employees signing the book, would you be satisfied if the signing of the book was simply a receipt for the money for the time alleged to have been worked, and that within a certain time the question could be disputed by the employee?—It seems to me that a man ought to know by the time he reaches his pay-day how much money he is entitled to. I do not think a man should sign a receipt for his wages in full unless he knows the amount is there that he is entitled to.

28. The receipt is for the amount of money entered in the book?—Yes.

29. Surely that should not be considered as final?—What is the object of the man signing if it is not to be regarded as final?

30. *Mr. Okey.*] In signing this book is not the difficulty with the overtime? If there are a few shillings overtime is not that where there is difficulty rather than with wages proper?—My experience is that a man is keener after his overtime than his wages.

31. If the employee had a chance to object within a fortnight do you think that would meet the circumstances?—I do not think the difficulty would be so much with regard to the overtime as to the amount of wages necessary to be paid to a man who is entitled under his Arbitration Court award to a rise, and has not informed his master that he has reached the birthday from which he is entitled to a rise in wages.

32. Some grocers make it a rule to send out some of their employees, possibly at 5 o'clock, with a load that will take two hours to deliver?—Under present circumstances we dare not do that, because we should be committing a breach of the award. But there are circumstances under which it may be necessary to send a man out at 5 o'clock with a load that will take him two hours to deliver, and we contend that if the exigencies of our business demand that it should be so, and if we pay that man for the work that he does, that is all that the law should require from us.

33. *Mr. Pryor.*] With regard to this half-hour's grace, the present Act provides for thirty minutes' grace?—Yes.

34. Then it is not right to suggest, as Mr. Veitch seemed to suggest, that you are going to take something extra out of the workers without paying for it? This half-hour counts in the fifty-two in the week? You do not get more than fifty-two hours in the week? You have to keep within the limit, have you not?—I do not think that those few minutes' grace count.

35. In any case you are not asking any more now than you had previously?—No.

36. Or that you had when that award was made?—That is so.

37. *Mr. Veitch.*] Do you say that you are not asking for any change in existing conditions?—That is so.

38. *Mr. Pryor.*] You are not asking for any change with regard to the half-hour provision?—With regard to the period of grace. We are allowed thirty minutes' grace under the present Act. We are not aware of any complaint having been made by the other side justifying any reduction in that grace.

39. *The Chairman.*] You wish it to remain as it is—the half-hour?—Yes.

40. *Mr. Davey.*] Is it correct that the Supreme Court ruled that the half-hour only applied to outside and not inside the shop?—I am not aware.

Mr. Davey: I think I am correct in stating that it was held that that half-hour only applied to outside.

41. *Mr. Pryor.*] That is so, but it has never been put into operation against you in Dunedin, has it, Mr. Hinton?—It is positively the first I have heard of it.

Mr. Davey: That is the point; that is why it is in the Bill now, I presume, because of that Supreme Court decision.

Mr. Pryor: When I give evidence I will deal with that.

42. *Mr. A. Rosser* (Secretary, Auckland Grocers' Assistants' Union).] Do I understand you to say that you consider that under the present Act you have thirty minutes' grace allowed with respect to all the assistants in the shop? Is that the way the Act has been administered in Dunedin?—Yes, to the best of my belief. Really I cannot tell you that the half-hour's grace has been used in any case to my knowledge. But the trade down there understand that they have it if they need it.

43. You are not conversant with a judgment given by the Chief Justice in which he declares that the Act only applies to persons outside the shop—that is, persons engaged in the delivery of goods: you are not aware of that?—That is what Mr. Davey has just remarked, and my reply was that that was the first I had heard of it.

44. Has that half-hour been generally availed of in Dunedin?—As I said, I am not aware of any circumstances under which it has been availed of. I have never availed myself of it, except possibly on a Saturday night when the cash has not come out square

45. Will you look at the memorandum attached to this Bill regarding clause 43: "By this clause any shop-assistant may be employed for fifteen minutes after the prescribed time of closing." The crux of the explanation is this: "The present provision allows an extension of half an hour, but applies only to assistants employed off the premises of the shop"?—That has escaped my attention entirely.

46. So when you said that you are satisfied with the present law you had not seen that?—No.

47. With regard to the half-hour, would it surprise you to know that there are grocers in Auckland who insist on every minute of that thirty minutes' grace, say, on the late night?—Yes, because I have this feeling personally, and I believe it is shared by the trade in Dunedin—that a carter, when he has finished his round, has done, and if he is finished at 5 o'clock he is given no more work to do. I am satisfied that my carter does not work anything like fifty-two hours per week.

48. If the Act allows, say, thirty minutes, how would you compute then that a man has not more than fifty-two hours a week to work without overtime?—Would the same question not apply with regard to a fifteen minutes' concession?

49. Exactly, in a lesser degree. How would you make that fifty-two hours: there must be more?—As I said, these minutes of grace are allowed, and it is assumed they are not going to be taken undue advantage of. We do not suggest that we should make the actual closing-hour half past 1 or half past 6. I do not think it would really amount to half an hour a week.

50. Do you not think that the shop could be cleared, say, ten minutes before closing-time instead of ten minutes afterwards? Have you ever noticed the general clearing that generally takes place from hotels about ten minutes before the usual closing-hour?—No. I have had occasion to pass hotels at 10 o'clock and have noticed the clearing-out then, but I have never noticed it before 10. You take it that the present Act insists that every employee who is employed inside the shop must be outside the door at a minute past 1?

51. That is an Irish way of putting the question, but practically that is the sense of it. The present Act only applies to drivers. Another point is with regard to taking proceedings within three months after the offence has been committed. Do you think that that is too long altogether?—We think it is too long. We ask for one month, as it is at present.

52. Would it surprise you to know that by the time I, as secretary of the union, get notice of a breach and forward it in to the Department the time has elapsed before proceedings can be taken, and that is the reason for the extension to three months?—Would not a provision for one month expedite the Department a bit?

53. Do you not think it unfair that an unscrupulous man may commit a breach and then, by reason of the month's limitation, not be reached?—It should not be allowed.

54. That being so, can you not give commendation to the extension to three months? It is the same under breaches of award?—We do not very often have breach-of-award cases in Dunedin. Our experience may be somewhat limited, but we had no idea when we discussed that point that it took the length of time which you tell me it does to get a prosecution through.

55. *Mr. Davey.*] In glancing through the award you quoted from I see there are no hours of labour given in the grocers' award?—That is correct, simply because under the present Act the power of the Arbitration Court to fix hours was taken away from them.

56. Then the Shops and Offices Bill will apply to the hours of labour of men in shops?—With the exception of the last clause here in the Dunedin award, "Provisions to come into force hereafter."

JAMES GIFFORD LAURENSON examined. (No. 35.)

1. *The Chairman.*] What are you?—A baker and grocer.

2. Where?—At Roslyn, Dunedin.

3. Have you anything to add to what has been stated by the previous witness—anything new—there is no need to go over the same ground?—I have no desire to go over the same ground as Mr. Hinton. I fully endorse everything he has said. The only thing he was a little bit astray about was the time of grace. I was fully aware of the decision given by Sir Robert Stout some time ago that the time of grace only applied to drivers. That was brought home very forcibly to one of our largest grocers in Dunedin, where on one occasion on a very busy day, when the shop was full of people, the Inspector walked in and said, "You must not serve this lady," and cleared the whole lot out. The employer said, "I was under the impression we had so-many minutes' grace." The Inspector said, "No, 1 o'clock is the hour," and ordered the customers all out. It was a very great inconvenience both to the customers and to the man who was trying to serve them. This sort of thing happens occasionally, and that is why we ask that we get the thirty minutes' grace, as was given in the old Act. The other strong reason why we ask for the thirty minutes' grace is on account of the drivers. It is quite impossible on many occasions for the men to get back exactly to time. They will be detained by women talking to them and by one thing and another, and we think that if we have the thirty minutes' grace it will save prosecutions sometimes. So far as Dunedin is concerned I do not think anybody takes advantage of it. With everything else Mr. Hinton has said I am in full accord.

4. *Mr. Anderson.*] The Bill allows a quarter of an hour's grace: do you think it is a fair thing to leave the door open for that quarter-hour?—No. So far as we are concerned in Dunedin it is not done.

5. Do you shut your door at the hour?—Yes.

6. Do I understand that this quarter-hour's grace is in order to serve the customers inside the shop?—To serve the customers inside the door, and to square things up.

7. If the employees work that quarter-hour do they work more than the fifty-two hours a week?—If it became a regular thing I take it we should have to give them time off so as to make the time worked come within the fifty-two hours, but it is a thing that is not done except in very exceptional cases. It might not be done twice in a year.

8. Do you gauge your employees' wages on fifty-two hours a week?—Yes.

9. And if they worked this extra quarter-hour would that be more than the fifty-two hours?—Yes, it would, I think.

10. Would it, in your opinion and in the opinion of your association, be a fair thing to work your employees this extra quarter-hour without extra pay?—We do not wish to do so, but we want to be saved from prosecution on every occasion when in cases of emergency we may have to do so.

11. Would you be prepared for your employees to count up all these quarter-hours that they work during the week, and pay them for them at the end of the week?—Quite prepared.

12. *Mr. Okey.*] That quarter-hour, I take it, is not supposed to be paid for: it is a kind of give-and-take between employer and employee?—I should say so.

13. If a man works a quarter-hour it is not entered in the book really?—No.

14. If a man is a quarter of an hour late in the morning do you not deduct a quarter-hour's pay?—No. If a man is off sick for a day we do not deduct anything. A man may be off the best part of a week. I do not know anybody in Dunedin that deducts for that. Why should an employee not be prepared to have a little give-and-take? If you pin us down to what is suggested no doubt we shall have to deduct. That will become the custom.

15. *Mr. Pryor.*] Prior to this 1911 Act coming into force you were working under the provisions of an Arbitration Court award, were you not?—Yes.

16. And it was that that controlled the hours of work?—Yes.

17. You had several different awards in Dunedin, did you not?—Yes.

18. You always had the right to work your hands overtime on payment of overtime rates?—Yes.

19. The Act came into force and took that right away from you, excepting in special circumstances and with the consent of the Inspector?—Yes.

20. The exigencies of your business make it absolutely impossible at times for you to get the consent of the Inspector?—Yes, it is a perfect farce.

21. As a matter of fact, under the present Act employers are absolutely compelled to break the law—they have no means of getting out of it or getting away from it?—That is so, if your business requires it.

22. And you ask now that the law should be so altered as to make it practicable, and you are quite prepared to pay overtime rates for work done?—Yes.

DAVID MAIN examined. (No. 36.)

1. *The Chairman.*] What are you?—A grocer.

2. Where?—At Christchurch.

3. Will you state your views as briefly as possible, avoiding repetition of what has already been said?—I represent the Christchurch master grocers. With your permission I will just run through my notes. Commencing with clause 4, subclause (3), keeping book for two years: we consider this to be an unnecessary stipulation, as the Arbitration Act provides that action should be taken in six months, which should be a reasonable stipulation in this clause. As you are aware, we in Christchurch are now closing on Saturday afternoon. Clause 5, subclause (5), under "dairy-produce seller" we wish you to strike out "eggs and butter," as they are not extremely perishable, and as these form a large part of a grocer's stock. In the same clause, under "pork-butcher," we suggest that this should only cover fresh pork and fresh small-goods, as pork-butchers sell a lot of the component parts of a grocer's stock, such as tea, pickles, cheese, eggs, butter, &c. We contend that if this clause goes through as printed and is made law it will be an inducement for grocers to open sectional shops covering the articles under these two headings. I may say that at the present time there is a shop being started under those conditions in Christchurch. Clause 8, subclause (3), overtime for stocktaking and special work: we agree with Mr. Hinton and consider that there should be no restriction upon overtime. Where there is an award governing the industry it should be no more restricted than in the case, say, of a bricklayer or an engineer, who can work any overtime provided he gets paid for it. I should like to say, with regard to this clause 8, that there seems to be nothing outside this clause to make it clear that delivery outside the hours is not an offence if overtime is paid. We consider this of importance on account of breakdowns or before or after holidays. Those employing outside carts can deliver at any time, and we think we should have the right to do that provided overtime is paid. Clause 12, subclause (2), regarding the half-holiday: we do not think it is right to exempt New Brighton and Sumner. We object to this as not fair to city employers, who have to pay higher wages than in those two seaside boroughs. We would suggest that a ten-mile radius from the Chief Post-office, Christchurch, should be made to operate, under uniform conditions as to half-holiday and hours, where wages are fixed by awards and where Saturday is the

statutory day in the city. In connection with the exemption of shops, we consider there should be no exempted shops outside chemists—that is, where the statutory closing-day is Saturday. With regard to clause 18, I may point out that in Christchurch there are two holidays in the year which fall on Friday—Good Friday and Show Day. We want a clause defining the late night when Friday is a special holiday. We would suggest that Thursday be fixed. Clause 23, closing in certain districts: where it is 8 o'clock we suggest that 7 o'clock should be substituted, and where 10 o'clock we suggest 9 o'clock. Clause 37, suitable heating appliances: we have no objection to the heating-appliances, but we do object to the powers given Inspectors. Clause 43: I think there has been a good deal of misconception with regard to the fifteen minutes' grace. From my experience in Christchurch I do not think it has ever been taken advantage of as far as shops are concerned. We look upon it as being necessary only in the case of delivery-vans being out. A man may meet with an accident on the road or he may be delayed by other causes, and we think under the circumstances that half an hour would be a reasonable time to give that man to be in the stable. I have no knowledge at all of this half-hour's grace that we have at the present time being used in any grocer's shop in Christchurch. I believe I am correct in saying that the door of every grocer in Christchurch is closed at 6 o'clock. It may be a minute or two afterwards before the shop is anything like cleared. But we have never looked upon it as a half-hour's grace in connection with the business of the shop. It has been found to work very well in connection with the delivery-vans—that is, on special occasions. Clause 51: we agree with this, but we consider that it would be better if the hours were fixed at 7 and 9. Clause 55, tending horses: I think this is a very important thing. Those tending horses are already under awards, and we desire to protest against legislation beyond this.

4. *Mr. Davey.*] You suggest that Saturday closing in Christchurch should be extended over a ten-mile radius?—From the Chief Post-office.

5. Do you know where that will extend to?—It would take in Lyttelton, Sumner, New Brighton——

6. Four miles of the Peninsula?—Yes.

7. Would you wish that to be done?—We think the present conditions are very unfair as far as the present Saturday half-holiday is concerned in our city. I can give you an instance where in one road one man is allowed to keep open and another man compelled to close.

8. Papanui is in the same condition, I know. Is not the radius somewhat too great?—We are quite prepared to cut it down.

9. And it would apply to Auckland, too, if that alteration were made?—Provided that we got what we term the city and suburban shops within that radius we would be quite satisfied. Take the store at Papanui at the terminus of the railway, quite a lot of our business comes from that direction, yet they are allowed to keep open on Saturday afternoon and Saturday night.

10. Regarding the definition of a dairy-produce seller, do you really wish that these people shall not be permitted to sell eggs or butter?—We think that these form a good portion of our business, and we do not think it right that these people should be allowed to keep open on Saturday afternoon and Saturday night and sell those lines.

11. *Mr. Hindmarsh.*] How does the Saturday half-holiday work in Christchurch: are you satisfied with it?—Generally speaking, I think the opinion in Christchurch at the present time is that when we have had two years of it we shall not want to go back. There are quite a number of business people in Christchurch who were opposed to it but are now coming round, and they seem to think it will work out all right.

12. How do you think a license system would work? Supposing a man had to apply for a license—not necessarily pay a heavy sum for it—to sell certain goods, and the trades were defined and the goods that they could sell were classified by the Labour Department, how do you think it would work?—I have not had any experience of it, and I am not prepared to pass an opinion on it.

13. Do you think it is fair to the shopkeepers generally that a firm like Kirkcaldie and Stains in Wellington should carry on a drapery business and should also sell boots, and furniture, and tea, and run a restaurant, and try and monopolize every kind of business?—Yes. Is it not the same in the Old Country? Provided we are all working under the same conditions I do not see any objection to that.

14. *Mr. Veitch.*] With regard to Saturday half-holiday, do you think the people would be satisfied with a Dominion vote as to whether we should have a universal Saturday half-holiday, and avoid all this friction? To get over a difficulty now you suggest a widening of the area, and the moment you do that you bring in another difficulty. Would it not be far better to have a Dominion Saturday half-holiday, deciding the issue right over the Dominion, and have every place observe the same day?—That is what we advocate. We believe in a universal Saturday half-holiday.

15. *Mr. Wilkinson.*] If the issues were decided in provinces it might suit the case: what is your opinion? Supposing the Province of Canterbury had the opportunity of voting, would that suit?—I consider it would be very much better than the conditions we are working under at the present time.

16. In the Bill it provides that you can vote for any day in the week: would it not be better to narrow that down to, say, Wednesday as against Saturday, in place of allowing people to vote for any day they chose?—If you limited the choice to Wednesday and Saturday it would not suit Canterbury. It would not suit Christchurch in particular. The reason is that our market-day is Wednesday?

17. Say Thursday, then?—Thursday would suit us. But the other parts of the Dominion generally keep Wednesday, I understand.

18. You would be quite satisfied, then, if provincial polls were taken and the two alternative days were offered to the people to vote upon?—I think it would be a very much better idea than what we have at present.

19. At present it is not necessary to have a poll every two years, except by requisition of 10 per cent. of the electors: would you favour that being retained or having a compulsory poll every two years?—I should be in favour of leaving it as it is.

20. That is to say, a fresh poll could only be taken by requisition of 10 per cent. of the people?—Yes.

21. At present the townspeople alone have the right of exercising a vote. Would you object to the whole of the people having a vote—farmers and others who trade with the towns?—That would be covered by a provincial vote.

22. You would not object to that?—No.

23. Rather favour it?—We would be in favour of that.

24. *Mr. Okey.*] If you take these provincial polls do you not see the difficulty there will be in getting the 10 per cent.? Would it not be better to have the polls compulsorily every two or three years than to have to get the 10 per cent.?—I should say that if the people were satisfied with the Saturday half-holiday they would not trouble about attempting to upset it. Personally I think the matter is very well left as it is.

25. That is, to have to get the 10 per cent. before you can take a poll?—Yes.

26. *The Chairman.*] When you say you are in favour of a universal half-holiday you mean a universal shop holiday?—I mean a universal Saturday half-holiday.

27. Do you mean for all people concerned in all trades?—Yes.

28. Would you close down everything without exemption—publichouses and all?—Yes, except, as I have already stated, we think the chemists should be exempt.

29. When you speak of a universal half-holiday do you mean that everybody should have a holiday?—Yes, I would be in favour of closing everybody.

The Chairman: I mean that every branch of industry would be closed. That is what I understand by a universal holiday.

Mr. Davey: That means trams and steamers and trains, and everything else.

Witness: I mean a universal Saturday half-holiday as we know it at the present time. It would hardly include trams or trains, would it?

30. *The Chairman.*] A universal holiday would?—Then I am not in favour of it.

31. Do you not consider that people employed on trams and trains have as much right to a half-holiday as any other men? Their work is quite as arduous as shop-assistants' and office-assistants'. Do you not realize that in order to give these latter people a holiday you make the others work harder and very often make their hours longer?—It is a very difficult question to answer. I take it that the business of the country must be carried on, and we must get about. The men who go into that particular class of work are, I take it, aware of the conditions when they enter it.

32. *Mr. Anderson.*] You have got the Saturday half-holiday in Christchurch now?—We have.

33. Does that apply to pork-butchers?—No, they are exempt.

34. Is your business a large business?—Yes.

35. Do the small grocers approve of the Saturday half-holiday?—I think the majority of them do.

36. Do you know for a fact that they do?—Yes, I should say that they do.

37. There are no objections?—There may be objections, just as there are amongst the larger firms.

38. We have had witnesses from Auckland, where Saturday has been carried, and some of them have told us that their businesses will be ruined—businesses on the outskirts. Have you any such cases in Christchurch—say in Sydenham or Richmond?—No; speaking generally, I do not think that is the case in Christchurch. You hear objections here and there to the Saturday half-holiday; but, as I have already stated, some of the strongest opponents of Saturday in Christchurch are gradually coming round, and are beginning to think that it is not such a bad thing after all.

39. Do you speak for the Sydenham grocers?—No, I am a town grocer.

40. Do you speak for the Richmond grocers?—No, I am not speaking for any particular section. I am only voicing my own opinions, speaking with knowledge from meeting these different people and hearing their views.

41. Are those grocers in Sydenham, and Papanui, and Richmond, and all round, are they in your association?—Some of them are. We have one of the principal grocers in Richmond.

42. I am not talking of principal grocers, I am talking now of the small men?—This one is only a small man, and he expressed himself to me in favour of the Saturday half-holiday. He said he was perfectly satisfied.

43. *The Chairman.*] I think the whole point is this: you are representing an association, and you know nothing about the people outside your association—the suburban shopkeepers—is that the position?—I am only representing the association, as far as that goes.

FRANK COOPER examined. (No. 37.)

1. *The Chairman.*] What are you?—Secretary of the Christchurch Grocers' Association. I would just like to say that I have been at all the discussions of the master grocers in Christchurch, and what they seem to want to arrive at in connection with this Bill, and want to try to help you to arrive at, is something that will prevent them from having to commit offences against the law. I may say that the Labour Department are very good in a way and recognize that it is not

deliberate; but the grocers always have the feeling that they are breaking the law, and they would like to get away from it, but they cannot do so under the present conditions. With regard to the question that was asked Mr. Main, I may say that I have had conversations with a good many of the suburban grocers, including grocers at Richmond, Papanui, and Sydenham, and a good many of these people who thought they were going to be ruined when the Saturday half-holiday was brought in now confess that they would not go back upon it.

2. *Mr. Hindmarsh.*] There is often a baseless lot of opposition to changes?—People think they are right, I suppose, at the time they oppose these reforms, but experience and adaptation prove that it was not so serious as they thought.

3. And adaptation does not take long to come about?—In this case it has taken a very short time.

HENRY WARDELL examined. (No. 38.)

1. *The Chairman.*] What are you?—A grocer at Wellington.

2. Representing whom?—I am not representing any association. There is only one thing that I wish to bring forward. I refer to clause 24, subclause (3), with regard to the requisition for closing. We would like the "particular trade" defined for the purpose of the requisition. I may mention that about two years ago in Wellington we got up a requisition, and we had a majority of the *bona fide* grocers' shops in Wellington; but there are very many small shops where a few groceries are kept as side lines—such as greengrocers and Chinamen—and they got up a counter-requisition and swamped ours. The suggestion we make is that "particular trade" should be defined as meaning the principal part of the business carried on by any person who signs the requisition.

3. It has been already ruled, I understand, that for the purposes of the requisition a man must state his principal trade?—I thought perhaps it would be well to make it more definite in the Act.

4. *Mr. Wilkinson.*] What is your opinion about the provincial holiday suggested by me this morning: would you favour the boundaries being enlarged to cover provinces instead of individual boroughs?—Yes, I think so.

5. And that two days—Thursday or Wednesday and Saturday—be submitted to the people?—In the Wairarapa, I think, they have Thursday for their holiday. Different towns seem to have different days. I think the three days could be put in.

6. The principle, at any rate, you agree with—the extension of the boundaries of the district?—Certainly. With regard to the Saturday half-holiday, I think the great difficulty and the great source of trouble in respect to all these compulsory holidays is that so many exemptions are granted. Trades are all allied to a certain extent. We sell goods that a pork-butcher sells, and he sells goods that we sell. There may be one or two trades that it is necessary should be open on a holiday, but I do not think there is any business that it is necessary to have open on Saturday if Saturday is the holiday. There may be a want for fruiterers and confectioners, and so on—people may want to buy goods of that description—but with regard to all provisions and eatables of that description I really cannot see why there should be any exemptions if Saturday afternoon is the holiday. I understand that in Sydney and other places where they have Saturday that is the great source of irritation—that there are so many exemptions in the Act.

7. Would you object to farmers and others outside the boroughs and towns voting upon this question? You see it concerns them?—It depends a good deal on circumstances. I should think that if a farmer comes in and gets his supplies in Wellington he has just as much right to vote on the closing-hours for Wellington as a resident in Wellington.

8. That would especially apply to country towns, where farmers come in extensively?—Yes.

9. Where towns depend solely, practically, upon the farming community?—Yes. And I think a provincial vote would do away with a lot of friction, because under the present law Wellington might close on Saturday and Hutt and Petone be open on that day.

10. *Mr. Okey.*] Having once agreed upon the half-holiday by taking a vote, would you favour that day remaining until a 10-per-cent. requisition is obtained, or taking a vote automatically every two years?—It would be better to have a requisition, because there may not be any necessity to take a vote. The requisition gives an indication of feeling. If there is dissatisfaction on one side or the other they have a right to get the requisition, if they can, and have a poll. If there is only a small section desiring a change they are not able to get sufficient signatures to the requisition for a poll.

11. *Mr. Rosser.*] Clause 5 commences in this way—"Subject to the provisions of this Act"; and then you will notice a few words have been inserted, namely, "and to any award of the Arbitration Court." Are you in favour of that being reinserted? It was in the Act before and was dropped in the amendment: are you in favour of reinserting it?—Yes. I do not see any use in having the Arbitration Act if the Arbitration Court has not got power to deal with hours and wages and every condition in the trade that is brought before it. The Act fixes certain hours and certain overtime rates, and the Arbitration Court has no authority to deal with those—at least, it has authority to reduce the hours, but has no authority to extend them. The Court, however, has authority to fix the wages, and every trade is different. The grocery trade is carried on under quite different conditions from the drapery trade; what suits the drapery trade would not suit the grocery. The members of the Arbitration Court are expert at this work, and go into every detail of the trade in a way that the House of Representatives could not possibly do. I think that the Arbitration Court, if it is to have any control of the conditions of a trade, should have entire control.

12. You remember that under the old Wellington award the Court had power to fix hours, notwithstanding the fifty-two-hour week? The grocers worked fifty-three hours per week at one time, did they not?—Yes, until the award ran out—for about a year, I think.

13. Then which do you think should be paramount, the Legislature that passes the Act or the Arbitration Court?—The Arbitration Court, certainly.

ROBERT ALFRED SCOTT examined. (No. 39.)

1. *The Chairman.*] What are you?—A grocer. I am managing the Wairarapa Farmers' Co-operative Association, Wellington. I wish to endorse the opinions that have been expressed by the previous speakers in reference most particularly to the overtime we require and our position with the carters. Coming to clause 4, subclause (2), certificate of correctness, I should like to give one very good reason why I think a certificate of correctness should be obtained from the employee. Probably some of you here will remember that some years ago there was a case in Wellington where a boy was employed by a grocer and the grocer was cited for breach of award, inasmuch as he had paid the youth the wages for age seventeen. His defence was that he was informed by the boy that his age was seventeen. The boy admitted in the box that he was nineteen years of age. He had informed the Inspector of this later on, and he confessed that he had misinformed his employer. The fault was as much his as the employer's. The employer was unfortunately fined, because the Magistrate was only there to administer the law. I think that is a sufficiently good reason for asking for a certificate of correctness. With regard to the question of attending to horses and the insertion in clause 55 of the provision that overtime shall be paid for such work when hours are exceeded, the Arbitration Court has dealt with our business the same as it has with the drivers' businesses, and has always given the opinion that attendance on horses should be thrown in. We find in our business that one man is much more expeditious in his attendance on horses than another, and, for another point, the employer has very little supervision over the man at the stable. It is very hard for him to say how long the man will be really employed in attending to the horses, or, in fact, to call upon him to do it any quicker. One man will take half an hour and another will take three-quarters of an hour, or claim it, at any rate, because he is away from the shop.

2. *Mr. Hindmarsh.*] Are you in favour of Saturday afternoon for the holiday or not?—We observe Saturday afternoon here. We are the only grocers who do.

3. You have not lost anything by it, I suppose?—No; it suits us.

4. *Mr. Okey.*] Do you believe in Mr. Hindmarsh's suggestion that you should be licensed to sell certain goods?—No, thanks.

5. *Mr. Pryor.*] You had experience of the grocery trade under the Arbitration Court awards when a proviso was in the Act similar to the one it is proposed to put in now—"Subject to any award of the Arbitration Court"?—Yes.

6. And when that was taken out and you were brought under the provisions of the Shops and Offices Act?—Yes.

7. You found a great clashing, did you not, as between the two—the legislation and the Arbitration Court award?—Yes. The Legislature apparently passed this measure rather hurriedly. They dealt with all businesses under the Shops and Offices Act—all businesses which could be called shops. The grocers came in along with the rest. They were working under an award, which was not the first award they had had, and it was very similar to the awards in Auckland, Dunedin, and Christchurch. It has already been stated that we had a great deal of latitude regarding overtime, and as a *quid pro quo* we gave a special holiday for it. That was all taken from us, but the holiday still remains. What we are particularly asking for now is not so much this special overtime allowance as that we shall be allowed to work overtime if we pay for it.

8. You will assure the Committee quite positively that the exigencies of your business absolutely demand that you shall do it, law or no law: is that the position?—That is about the position as far as the carters are concerned.

9. It is not only confined to the carters, is it?—No. We have gone to the Department the night before the holiday, and they have informed us that it was not special work under their reading of the Act.

10. Yet the requirements of your business were such that it had to be done?—Yes.

11. Have you, like others, been compelled to break the law in spite of your desire to obey it?—Yes.

12. *The Chairman.*] You were referring just now to the carters: how many horses does one man have to look after in your business?—Some of them look after one; some two.

13. How long would it take a man to look after two horses when he came in?—I do not know what may be the procedure elsewhere. Our particular procedure is that the men work together. There are several of them, and the first man to get in gets the beds down for all of them.

14. Would a man drive one or two horses?—There are two-horse teams and single carts.

15. Those horses want grooming when they come in?—They are merely given a rub down. It will not take the last man more than ten minutes. The first man will be longer.

16. *Mr. Wilkinson.*] I understand that you are an extensive employer in the grocery line: is that right?—That is so.

17. In regard to holidays, have you any arrangement with the men whereby they have a few days off during the year?—The employees all get a fortnight's holiday on full pay when they have been with us two years, but that is purely our own private arrangement. I know that other houses in the grocery trade in Wellington give holidays to their employees every year, and I do not think that sickness is deducted for anywhere in Wellington.

TUESDAY, 2ND SEPTEMBER, 1913.

ELIJAH JOHN CAREY examined. (No. 40.)

1. *The Chairman.*] We will take your evidence, Mr. Carey?—I am authorized to give evidence on behalf of the Wellington District Council, on behalf of the New Zealand Federated Hotel and Restaurant Employees' Association, and on behalf of our own union. I have prepared a case from our point of view, as follows: I represent the Wellington District Council, the advisory committee of the Hotel Employees' Federation, and the Wellington Hotel, Club, and Restaurant Workers' Union. I am also instructed to give evidence on behalf of the Wellington Grocers' Union. But I prefer to give that evidence later, as it deals with clauses of the Bill not affecting the hotel and restaurant trade. Now, in reference to the proposals in the present Bill, so far as it affects the hotel and restaurant trade, the Bill is satisfactory in parts but very unsatisfactory in others. It is not nearly as progressive a measure as we anticipated. All the good it proposes is that some of the workers in hotels and restaurants shall work their present sixty-two and fifty-eight hours weekly on six days instead of, as at present, on six and a half days of the week, and that certain of the larger boardinghouses and private hotels shall be brought within the scope of the provisions of the existing Act. All other existing hardships of workers in the trade are left without remedy or redress except in a few minor instances. The proposal for a six-day week for some of our workers is contained in section 27, subsection (5) of the Bill. It gives limited effect to the principle of one day's rest in seven, and, but for the limitations, is to us the best section of the Bill. In the past the argument has been that a six-day week is impracticable in the hotel trade and that a seven-days working-week exists in the trade everywhere. Even if that were true we have every reason on our side why such a state of things should not be permitted any longer in New Zealand. Our plea for one day's rest in seven has the support of every section of the community except the section selfishly interested. There is nothing unsound or impracticable in the principle. It has Scriptural backing. "Six days shalt thou labour" was one of the earliest written laws, and one that was rigidly observed in the olden days. Of recent centuries, however, commercialism and machinery have held sway, and the worker has been looked upon in the same light as the machine, a source of profit-making. The machine ran seven days a week; the worker was expected to do likewise. But of later years Governments have stepped in to stop such sweating, and there are now many countries where legislation ensuring workers a weekly day of rest is in force or promised. It is no experiment that we are asking the Government to make. New Zealand, with all its boasted progressiveness, is much behind other countries in this reform. I will give some instances for the information of the Committee. Take France: Here is a country that less than fifty years ago went over to a spirit of rationalism. It abolished the Sabbath in 1880 and fixed no rest-day. Afterwards every tenth day was fixed as the national rest-day. Then, within the last twenty-years, the Churches and the Labour organizations worked together, and after combined effort got a legislative weekly day of rest established. The law was passed in 1906. The general sense of that measure is to make Sunday a rest-day in all trades, but to provide that in certain businesses where trade was carried on on a Sunday of necessity then another day of the week shall be given as the rest-day. I have the Act with me. The essential clause of the French Act is as follows: "No employee or workman shall be employed more than six days a week in an industrial or commercial establishment whatever its nature, lay or religious, or even if it exists for the purpose of professional instruction in benevolence. The above holds good of all branches of establishments. The weekly day of rest shall consist of not less than twenty-four consecutive hours." A further section allows of any day being given other than Sunday, and by rotation amongst the workers employed in hotels, cafes, restaurants, hospitals, asylums, almshouses, dispensaries, newspaper offices, &c. There are a few exemptions, but not for the hotel and restaurant trade, except that in establishments employing only four or less persons two half-holidays may be given instead of the one full day. There are one or two remarkable circumstances about the passing of this law. The first is that out of the whole membership of the French Chamber of Deputies of about six hundred, only one vote was cast in opposition to the Bill. Another fact is that after its passing the Minister of Commerce was asked by the Parisian waiters to exempt them from the Act, and that he refused. The exemption was sought by the waiters on the grounds that they would lose their tips. The Minister answered them that any worker should be able to make a living in six days of the week. A further deputation of bakers waited on the Minister to urge exemption from the Act for their carters, who were wanted to deliver rolls on Sundays. The deputation admitted that they had to give their horses a rest one day in seven to preserve their health and strength, and the Minister answered that the men were entitled to a rest-day as well as the horses, and refused the request of the deputation. The Act remained in operation, and now the labour unions are seeking an additional half-day's rest. So much for France. Now take Italy: in that country, in July, 1907, a year after the French Act, a similar measure was passed. I have a copy of the Act with me. Article 1 provides the weekly day of rest for all businesses. Article 4 permits of any day other than Sunday being given as the weekly rest-day in continuous businesses, including hotels and restaurants. This measure went through the Italian House with but little opposition also. I will quote another specific case for the Committee: In Canada there has been in existence for the last few years an Act called "The Lord's Day Observance Act," passed in 1906. This measure, like the Continental Acts, recognizes that there are some businesses which must carry on on Sundays, but provides, as the Italian and French Acts provide, that while the business may carry on for seven days of the week, the workers shall get some other day of the week as a full holiday. It grants hotels and restaurants the privilege of allowing their employees off one day of the week other than Sunday if necessary, and by rotation throughout the staff. It was a combination of Churches and Labour that promoted the Canadian Act. The Churches realized that where one day's rest in the week had to be given the tendency would be to make that day Sunday as far

as possible. There are one or two other Continental Acts I wish to inform the Committee about. In Austria the Minister of Commerce says, in a circular referring to the weekly day of rest for hotel and restaurant workers, "The Legislature, recognizing the necessity for and the great value of Sunday rest from the social, hygienic, and moral point of view, laid down the principle of the prohibition of industrial work on Sundays as early as the Act of 8th March, 1885 (R.G.Bl, No. 22), and expressly confirmed it in the Act of 15th January, 1895 (R.G.Bl, No. 21). The Legislature was certainly aware that this prohibition could not be applied without exception, because in consequence of the technical characteristics of the trade, or for economic reasons, Sunday work is unavoidable in certain classes of work. The hotel and publichouse trade is included among those exempted from the obligation of observing the Sunday rest, because Sunday work appears to be necessary in this case in order to satisfy the needs of the public. Notwithstanding, the sanction for Sunday work in hotels and publichouses is subject to the express condition that workmen employed for more than three hours on Sunday shall be allowed a compensatory period of twenty-four hours' rest on the following Sunday or a week-day, or two periods of rest of six hours each on two week-days. In response to an inquiry, the Minister of Commerce, in agreement with the Minister of the Interior, issued the decree of 18th June, 1896 (Z. 10944), interpreting this provision in the sense that for every Sunday on which workmen are employed for more than three hours they shall be allowed as a compensatory period of rest an entire Sunday or week-day, or two periods of six hours each on two days of the week." In Bosnia and Herzegovina an Act was passed in 1907 giving the weekly day of rest. I have it with me. It also gives the day of rest on some other day of the week to workers employed on Sunday. In Portugal workers in hotels and restaurants are granted a full day of the week. The Act is as follows: "It shall be the duty of owners, directors, managing directors, and managers of separate or combined industrial or commercial enterprises to allow all their employees an uninterrupted period of rest of at least twenty-four hours every week. For the purposes of this decree 'employee' shall mean assistants, apprentices, workmen, servants, and all other persons who are employed in industry or commerce under the orders of other persons. All factories, workplaces, and commercial and industrial businesses shall be closed on the day fixed for the weekly rest, and the work or business carried on therein shall be suspended both for internal and external purposes. The following undertakings shall be exempt from the obligations imposed by the foregoing section: Newspaper businesses, chemists, hospitals, undertakers' businesses, bathing-establishments, bakeries, restaurants, inns, eatinghouses, ice-factories, slaughterhouses; businesses for the sale of fresh fruit, garden-produce, vegetables, and fish; dairies; establishments for the supply of water, light, and motor power; undertakings for the work of loading and unloading; telephone-offices, mines, and all industrial enterprises where the suspension of work would involve damage to the raw materials used therein, or to the manufactured goods, or which are of such nature that work must be carried out without interruption. It shall be the duty of the owners, directors, managing directors, and managers of the undertakings to which this section applies to allow their employees a day of rest during the week in rotation, unless they prefer to close their establishments and suspend work in accordance with the provisions of section 2." Other countries, such as Greece, Roumania, Switzerland, Spain, and Prussia have passed similar legislation. South America is a country full of precedents for the legislation we now seek. In the Argentine Republic a Sunday Rest Act was passed in November, 1905. It fixes a Sunday rest-day for most trades, and provides that in lieu of Sunday a full twenty-four-hours consecutive rest shall be given on one other day of the week for workers in hotels and restaurants and the other businesses which must of necessity carry on over the seven days of the week. The Republic of Chili followed with similar legislation in 1907. The Act is also framed on Continental lines. It fixes Sunday generally, but allows the substitution of one other day as the holiday in hotels and restaurants. Uruguay passed similar legislation in 1911. Now, I want to give further instances of legislative applications of the principle. About two years ago a Weekly Day of Rest Bill was introduced in the House of Lords as a private Bill. It was sympathetically received by all parties. The Government undertook to make inquiries as to the extent of such class of legislation on the Continent, and on that undertaking the Bill was withdrawn. The Government made the inquiries, and the full report signed by each foreign Consul is embodied in a white-paper. I secured a copy of the report. I gave it to Mr. Millar in 1911, and have not been able to secure another copy. It will probably be in the Parliamentary Library. That report is in itself sufficient backing for the clause in this Bill. It shows that in at least fourteen Continental countries there are legislative enactments dealing with the principle of a weekly day of rest, and that the general tendency of them all is to make for Sunday as the rest-day, or in its stead some other day of the week. There has been no news of the Government taking action on the matter yet, but the cables a few weeks ago announced the introduction in the House of Lords again of the Weekly Day of Rest. There is no legislation of the kind in force in Australia, but I have the following facts to place before the Committee: The Victorian Government promised a deputation of Church people and hotel workers that it would introduce a Six-day Week Bill for hotel workers this session. The Bill is now before the Victorian Parliament. The West Australian Government is pledged to introduce a similar Bill this coming session. Mr. Fisher, for the ex-Labour Government, promised a general weekly day of rest legislation when the Federal Parliament gets authority to deal with such matters. But while the Legislatures in Australia have not acted, the principle has been given effect to by some of the Australian Wages Boards determinations. Mr. Stewart has already given evidence that the working-week of hotel workers in Sydney was confined to five days and a half. That is half a day less than is proposed in the clause. I worked as waiter in the Hotel Australia in 1902. The Act at that time provided only a weekly half-holiday, but the dining-room staff were each given one clear day's holiday on the management's own arrangement. In 1909 a Wages Board

award fixed the whole day for all hotel and restaurant workers. Here is the provision of the award. Apparently it operates in addition to the statutory weekly half-holiday: "Six-day houses: One half-day's holiday per week, from 2 p.m., shall be given to all persons employed in hotels and restaurants which are open for business on six days of the week. Seven-day houses: One full day off in each week shall be given to all persons employed in hotels and restaurants which are open for business on seven days in the week." In May this year a fresh award was made to cover the restaurants, oyster-saloons, &c., in Sydney. It definitely fixes a five-and-a-half-days working-week. Here is the provision of that award: "A week's working-hours for all male persons employed in restaurants, tea-shops, and oyster-shops shall not exceed fifty-eight and for females fifty-six. The fifty-eight and fifty-six hours respectively above mentioned shall be worked within five and a half days, and not more than twelve hours shall be worked in any one day. Such twelve hours shall be worked within thirteen consecutive hours reckoned from the time the employee goes on duty until the time the employee goes off duty. One hour per day shall be allowed to each employee for meals, and shall be taken during the said thirteen hours, but shall not be computed as working-time." The hotel award is not yet made, but it too will probably fix a five-and-half-days award working-week. I wish to make the point that these wages awards are made usually by agreement between representatives of the parties. They provide for term holidays every six months in addition. The West Australian Arbitration Court has also provided a full day's holiday weekly, but it is slightly modified. It reads: "During each week of seven days the weekly workers hereinafter mentioned shall be allowed as a holiday—(*a*) One whole day if practicable; or (*b*) if it be impracticable to grant one whole day, then two half-days, commencing immediately after the conclusion of the midday meal, and terminating at the usual starting-time next ensuing morning. No deduction shall be made from the wage of any worker in consequence of the granting of any such holiday or half-holiday." Now, I wish to give one or two instances of the working of the principle in actual application here in this city. Take the People's Palace: Here is a large private hotel; it can accommodate up to 130 guests. It is similar to any of the large licensed hotels in the city; it does exactly the same trade as a licensed hotel does except that it does not sell liquor or cigars. The tariff is 5s. a day, and a little less on terms. The hotel is run purely as a business proposition. Excepting the management, none of the employees are "Army" people. It is covered by the Court's award, which prescribes the same wages as for licensed hotels, excepting waiters and waitresses, who receive 2s. 6d. per week less. As a matter of fact, in certain cases the employees are paid more than the award wages. The hotel is a paying proposition, and since its success the "Army" has rented outright another large private hotel in Christchurch, the Leviathan. It has a staff of twenty-one —six men and fifteen women. Every woman worker in the hotel has enjoyed a full day's holiday weekly since 1910. Every other worker has had a full day's holiday since November, 1912. As a matter of fact, in the kitchen, where four men are employed, the holidays are as follows: The chef and second cook work five days and a half one week and six next, alternately. The fourth hand works five days and a half every week, and the third six days a week. Mr. Downey, "Adjutant" in charge, informs me that when the 1910 Act came in the hours, fifty-two per week, necessitated the employment of one extra girl, and that he was then able to fix on the six-day week for all women workers. The men got two half-days' holiday one week and three half-days the next alternately in 1910 with only three hands in the kitchen; now they get the holidays mentioned. When the hotel got busy last summer an extra hand was put on in the kitchen, and the full day was given to all male workers. No casual hands are employed. The casual meals are all only 1s. each, the tariff only 5s. a day, and yet this hotel, without bar profits, can give even better conditions than the Bill provides. We submit that this hotel is a standing proof of the practicability of the application of the principle. There are other instances. In the Windsor certain employees get Saturday half-holiday and all day Sunday off. In the Food Café only five days a week are worked. The facts stated are a full answer to the arguments of the hotelkeepers as to the impracticability of the six-day week in hotels. I wish now to give the Committee some evidence in reference to the objection on the grounds of expense. It cannot be argued, even admitting the clause will make for an increased wages-sheet, that the hotel trade is not well able to afford that extra expense. By far a majority of the hotels in the Dominion are owned by the brewery firms in their respective districts. I cannot say how many are actually owned by the firm of Staples and Co. in this city, but there are many large Wellington City hotels owned by Messrs. Gilmer and McGuire, the principals of that firm. The Tied Houses Bill Committee report in 1902 stated that the following hotels were tied for beer to Staples and Co.: Grosvenor, Duke of Edinburgh, Commercial, Western, Clyde Quay, Kilbirnie, Island Bay, All Nations, Princess, Shamrock, Metropolitan, Wellington, Thistle Inn, National, Pier, Central, Clarendon, Albion, Cambridge, Princess Theatre, Prince of Wales, Royal Tiger, Park, Brunswick, Masonic, Britannia, Barrett's, Foresters' Arms, Te Aro, Empire, Esplanade, Panama, and A1. The position has been more intensified since. In 1903 the firm paid a dividend of 20 per sent. Mr. Gilmer got £9,694 dividend in one year, or £23 16s. a day out of the trade. This, then, is the position: on one end is a profit out of the trade of £23 16s. a day for the brewery shareholder and hotel-owner, and on the other end we are here pleading for one day's rest in seven for the workers in that trade who have worked 365 days a year to promote such dividends. As a matter of actual fact, the hotel trade is so profitable that the hotelkeepers who are objecting to this Bill on the ground of extra expense vie with each other to buy into hotels at £2,000 a year goodwill. Several hotels have been bought at that price in Wellington lately. The expense argument should not weigh with this Committee. The proposal for one day's rest in seven is fair and reasonable, and even if it does cost a few pounds a year to grant it the trade can afford it. If it cannot it should cut down the goodwills. The profits in the industry should not be wrung out of the men and women

working in the trade. I want now to say one word in evidence about petitions of workers who have purported to sign that they did not want the holiday. We have heard of only one hotel staff in Wellington, the Bristol, signing to the effect that they did not want the holiday. Our information was that the mistress in that hotel went round and got the girls to sign up on a threat that if the clause passed they would be worked longer hours in each week. However, we have now the signature of all the girls in the Bristol that they are anxious for the full day's holiday. There is just this other point: the Hotel Bristol staff, two years ago, were so keen on the six-day week that they worked strenuously for the return of Mr. Fisher for his advocacy of the principle: the hotel was one of his strongholds. I wish to put this to the Committee: that, even if the signatures were genuinely in favour of no holiday, they should not weigh with the Committee. The fairness of the proposal is the thing that should count. The adage says, "The slave clings to his chains." If it had been left to the slaves slavery would have never been abolished in America. I am here as the mouthpiece of my organization and of organized labour in Wellington. Labour has been demanding a weekly day of rest since 1908. We hotel workers have been specially asking for it for the last seven years. This is not the first time by many that the principle has been before the House in Bill form. Mr. Fisher introduced a Sunday Labour Bill in 1907. He reintroduced it in 1909. Lengthy evidence was then taken on it. A Bill affecting us was introduced in 1910. Lengthy evidence was again taken on it. Again in 1912 further evidence was taken on the Bill, and again in 1913 further evidence was taken on the Bill, and here we are still asking for the holiday. Twice now this Committee has recommended to the House that the Bill be passed. There is just one other objection that is being stated by opponents of the six-day week clause—it is to the effect that it is impossible in places where only one cook is employed. It is the same old objection that was raised when first the half-holiday was proposed. The answer is that in any hotel where only one cook is employed she would be relieved on the day off either by the mistress or one of the other girls. Take a place employing only one cook, like the Thistle Inn in Wellington. As a plain matter of fact, for a year in Wellington hotel workers had one full Sunday a month off. It was managed all right. At the Thistle Inn the porter relieved the cook on the Sunday off. At a small hotel employing, say, only one or two hands the actual position is that the proprietor is as much a wage-worker as the other two hands. The wages of all four, the licensee, his wife, and two workers, come out of the business, and the position is that the licensee in actual fact does work just the same as employees. A small hotel does not do a large meal business: if it did it would not be a small hotel. Nowadays the cook is relieved by her fellow-worker or the mistress. No expert worker is required: the smallness of the business does not warrant such a worker. If the objection is heeded and smaller hotels are exempted, then the worker in such a place is punished merely because of the fact that her employer has not enough capital to engage in a bigger business. It would create unfair competition and enable the small hotelkeeper to get his profit not out of the business but of the sweating of the workers. On the same reasoning a small hotel should be allowed the privilege of working its one or two employees longer hours than the larger hotels. And now I want to deal specifically with the rest of the clauses of the Bill, and to suggest the amendments we desire as hotel workers. Take the first clause: It is unfair to us to put off the operation of the Bill till April, 1914; we suggest the 1st January, 1914. But for Mr. Massey's pledge to certain hotelkeepers the six-day Bill would be in operation now. The Minister of Labour during last session himself promised that the Bill would come into operation when His Excellency signed it. We have been asking for the Bill since before 1907. We lost it last year because the Minister wanted opportunity for further evidence. It was urged as a reason for not going on last session that the holiday would only be delayed nine months. The clause means a delay of one year and four months since the discussion last session. The next clause—clause 2: We are doubtful if the definition will be held to mean what it says in the law-courts. If it does we are satisfied with it excepting in one respect. But we have had some sorry experience. I refer the Committee to section 2 of the present Act. It reads, "'Hotel' means any premises in respect of which a publican's license is granted under the Licensing Act, 1908; and 'restaurant' means any premises (other than a hotel) in which meals are provided and sold to the general public for consumption on the premises, and whether or not lodging is provided for hire, for the accommodation of persons who desire to lodge therein, and includes a private hotel, tea-room, and an oyster-saloon." Mr. Millar, the Minister of Labour, added the words, "and includes a private hotel" in the definition when his Bill was in Committee. He assured us, as did the Crown Law Draftsman, that the inclusion of these words would make every private hotel, in the commonplace acceptance of the term, a restaurant within the meaning of the Act. We were not satisfied. We asked for a more strict definition, and were again assured that our fears as to the definition were groundless. But what happened? The Labour Department, over which the Minister had control, was the very first to say that private hotels were not restaurants within the Act. As a matter of fact, it sent circulars to the various district Inspectors to warn them that private hotels were not covered in the definition. The irony of the position is that I warned the Minister that his own Department would be the first to prove a flaw in the definition. The words "and includes a private hotel" did not make private hotels come within the Act. There have been two Supreme Court judgments on the point. The sense of these judgments was that, besides being a private hotel, there must be a regular restaurant business carried on, and that unless the private hotel regularly engaged in serving meals to outsiders other than boarders it was not a restaurant within the Act. And this despite the Minister's and Crown Law Draftsman's assurance that the definition meant that a private hotel was a place that did the same business as a licensed hotel except that it did not retail liquor. It cost the Labour Department probably £50 to test the case. My point is that the position should be made clear in the Bill without the possibility of litigation on the matter. The private hotels in Wellington are all

prosperous. Two have bought an extra hotel. Others have sold out and gone into licensed hotels. The definition includes commercial boardinghouses. This is a very fair proposition. We have never asked that the small domestic boardinghouses should be covered by legislative restriction. It covers commercial boardinghouses that do exactly the same business as a licensed hotel, except that liquor is not sold. I will give the Committee an instance. There is Mrs. Malcolm's boardinghouse on the Terrace. The Judges of the Court stay there. Mr. Allen and Mr. Herries stay there during the session. The tariff is 10s. a day. About seven workers are employed there, and yet there is no regulation of hours and holidays. The place competes with the hotels of the city for accommodation of visitors to Wellington. Large boardinghouses are covered by the Act in Victoria. I do not think the Committee can draw the line in a better way than the Bill proposes—that is, by excluding all boardinghouses where less than three workers are employed. The point that the clause does not go far enough in is in respect to clubs. We ask for the inclusion of clubs in the "hotel" definition. The Wellington Club does the same business as the Grand Hotel. The Working-men's Club lives by the retail of liquor. Workers in these places should be granted the same protection as workers in hotels doing similar business. I would just like to add that the Factories Act has been extended in Victoria so as to permit of boardinghouses accommodating thirty or more boarders being governed by a Wages Board under the Act, and clubs are also included. We want an alteration in the definition of "shop-assistant" in clause 2. At present it is not comprehensive enough. We suggest the addition of the words, after "includes," in the last line of page 2, "and all workers in hotels and restaurants." As the clause stands it might afterwards be held that a housemaid or cook is not an assistant because she is not engaged in selling or delivering goods. It has already been held under the old Act that only waiters and waitresses actually engaged in selling goods were shop-assistants, and that cooks and housemaids were not within the Act. We want the position made clear. Clause 4 is the next clause that affects us. It does not go far enough. This is a matter that the Factory Inspectors can give better evidence on than I can. We suggest, first, that subclause (*c*) shall be made to read, "The daily hours of his employment during each week, together with the time of starting and finishing work in any one day." We suggest further the following additions: A time-sheet to be posted up in each department in every shop showing the daily working-hours of each worker employed. We ask for the deletion of the end of subclause (2), which takes the onus off the employer of maintaining the correctness of the working record of the hours worked. For all practical purposes the clause goes no further than the existing Act. And here is what happens under the existing law: The record-book is written up in stereotyped form. Any Inspector will verify that. At the end of her first week's employment the girl is asked to sign for her wages. If she questioned her hours she would get the "sack." We have had instances of it. Only a few weeks ago at the Masonic Hotel all the girls complained of having to work hours greatly in excess of the Act. The employer's answer was that they had signed for fifty-two. In the subsequent Court case the girls testified to excessive hours on oath, but the Magistrate accepted their signatures. The girl who made the first objection to signing for fifty-two hours got the "sack" immediately. Any girl protesting against signing the hours entered up by her employer in the first week of her employment would get the "sack." It has been our experience. The time-sheet would remedy matters. Each girl should be told her hours, and they should be posted up. Then there could be no "faking" the books. The time-sheet and wage-book would have to correspond. Clause 26, subclause (2): We ask for the deletion of this subclause. Clerks in other shops are not exempted: why give a special privilege to hotelkeepers? Clause 27, hours of labour: This is the most retrograde clause in the Bill. It is an apostasy on the boasted eight-hours principle supposed to be given general effect to in New Zealand. Moreover, it proposes to increase the hours of women workers in private hotels by six per week. No Parliament has ever yet legislated to increase the hours of women workers. This is what this Bill does. In places like the Windsor, the Bristol, the People's Palace, and other large private hotels now doing a restaurant business the working-week is fifty-two hours. If this Bill passes the girls' working-week will be increased to fifty-eight hours. No wonder, when that was pointed out to the girls in the Bristol, that they signed the petition put in as an exhibit by certain employers. I wish to refer the Committee to the Bill introduced in 1909 and passed in 1910, fixing the present hours of the private-hotel and restaurant workers. That Bill originally proposed a working-week of fifty-six hours for women in private hotels. As soon as we pointed out to Mr. Millar that it would mean four hours extra work for certain girls already granted fifty-two hours by Act of Parliament he immediately altered the Bill so as to fix the hours at fifty-two. Surely this Labour Bills Committee is not going to recommend that the already long working-week of fifty-two hours shall be increased by another six hours! It will be an action unprecedented in any Parliament of the world. Mr. Millar, then Minister of Labour, said that no Parliament in New Zealand would ever agree to a Bill increasing the hours of women workers in this country. I am certain this Committee will not recommend that it should be done now that I have pointed out what is proposed. Otherwise the hours proposed in the Bill, sixty-two and fifty-eight for men and women in hotels, and sixty-two and fifty-two for men and women in restaurants, are the same as in the existing statute. The only alteration is to limit the daily hours to eleven instead of ten. I will deal with that later. Why should we be asked to work longer hours than other shop-assistants? The succeeding sections propose to extend the holidays, but this section says that we must still do our sixty-two and fifty-eight hours, or, as I have stated, instead of sixty-two hours in six days and a half the sixty-two hours are to be worked in six days. What sort of a holiday concession is that? If we are to have an extra half-holiday why not make it a real one by lessening the hours? We are here to ask the Committee to fix the working-week in hotels and restaurants alike at fifty-six for men and fifty for women. Many trades work a forty-five-hours week; some only forty-two, and others forty-eight hours weekly.

We also ought to have an eight-hours day, but are offering a compromise of an additional eight hours for men and two for women on the forty-eight-hours week. Surely that is fair in this boasted eight-hours country! Now, as to differentiation between hotels and restaurants, there is neither rhyme nor reason for it. It is a special concession to hotelkeepers. The women in restaurants do exactly the same work as do women employed in hotels in a similar capacity: why should a waitress in a hotel have to work longer than a waitress in a restaurant? Subclause (*c*) is altered from "ten" in the existing Act to "eleven." This is done merely to make sure that the full sixty-two hours shall be got out of us in the six days proposed in the next section. We are against it, and urge no departure from the ten-hour limit now fixed. That is an hour in excess of the limit fixed for other shop-assistants. There is this point I want to make before the Committee in this connection: Our working-day is never done straight off. In most cases it is from fourteen to fifteen hours after commencing work on any one day that a worker in a hotel is finished. Because of the unusually long stretch of the day over which our working-hours extend we ought to have less hours than other workers. A hotel worker starts work at from between 6 and 7 in the morning—two hours before the ordinary worker goes to work—and finishes at 8 at night. In some cases he works up till midnight, and has to work over a stretch of sixteen hours out of twenty-four. There has been some talk of hotel workers getting off duty every afternoon. If they did not get off some time in the day they would work on the average thirteen hours a day—from, say, 6 to 7 a.m. to 7 or 8 p.m. The ordinary shop opens at 8 or 9 a.m. and closes at 6 p.m. It is open on only five days and a half of the week. A hotel has seven days in the week to do its business. Its bar trade is done from 6 a.m. to 10 p.m. If barmaids were required to work all the time the bar is open their hours would be sixteen a day. That is why they get time off: it is not generosity on the part of the hotelkeeper—merely that they cannot exceed the weekly hours and must give their employees some time off in the day. Surely ten hours' work in a day is long enough for a woman to be on her feet! The hotelkeeper ought to be satisfied with the advantage he has to trade when all other shops are closed, without requiring the extra advantage of an eleven-hours day from his barmen and barmaids. Now I want to give the Committee the hours fixed by Australian Parliaments for hotel workers, and also those fixed by Australian awards. So far as I can gather they are as follows:—Act hours: New South Wales—Sixty hours since 1899; Victoria—fifty-eight for men, fifty-six for women; West Australia—fifty-six for men, fifty-two for women; Queensland—sixty hours for barmen; South Australia—(?); Tasmania—fifty-four for barmaids. There are one or two facts about these hours that I wish to mention to the Committee. The New South Wales hours have been obtaining since 1899. The Government has promised a Bill to fix them at fifty-four. The Victorian hours have been fixed since 1905. Here is a case where the hotelkeepers and hotel workers went as a deputation to ask for a sixty-hours week. Sir Alexander Peacock, who was then Minister for Labour, point-blank refused the request of the deputation, and said that a working-week of fifty-eight hours was even too long, and should be reduced, not extended. Clubs are included under the Act. Now as to the award hours fixed. These are the awards—I have them with me:—Award hours: West Australia—Barmen, fifty-four hours (nine hours a day; 2s. 6d. an hour for Sunday work); other hotel and restaurant workers, fifty-eight for men, fifty-two for women; tea-room workers, forty-eight hours: Tasmania—fifty-eight hours: South Australia—fifty-six hours. Victoria—fifty-six to fifty-eight hours: New South Wales—hotels, old award, fifty-eight to sixty-three hours; new award, for a certainty not more than fifty-eight for men and fifty-six for women; restaurants, fifty-eight hours for men, fifty-six for women. The hotel award is now being fixed. I can assure this Committee that the hours will be no longer than fixed in the restaurant award, and I believe they will be less. We ask for fifty-six and fifty hours, and in doing so I want to make a special appeal to this Committee to consider the hours of women workers. If this Committee would do so it could get medical evidence to show that it is harmful for the motherhood of this country that women shall be required to rush round on their feet for fifty-eight hours a week. The work of a waitress has a certain effect. The continuous rushing round on their feet predisposes them to falling of the womb, brings on varicose veins, and makes for other physical irregularities. It unfits them for motherhood, and makes them subject to ill health generally in after-years. If anybody needs a full day's holiday in a week it is the women workers. At certain periods the rich woman takes to her bed and gets every attention possible. The working-girl in a hotel does not even get one day a month to rest herself. Whatever her condition is she is required to rush about working and standing on her feet at the very time she should be resting. The hotel trade is rich enough to pay £40 a week for goodwills of the hotels—it refuses decent labour-conditions for its women workers; and we confidently submit that it should be made by legislation to grant a six-day working-week of fifty hours, and that this Committee will make that recommendation. Our special appeal is that the Government will give a square deal to the women workers in hotels and restaurants. Subsection (2), section 27: There is an important omission in this subsection—extended hours. We want the words "nor any holiday" added in. If that is not done, then the workers can be asked to work extra hours on the day of their holiday. Now I come to subsection (4), section 27: The intention of part of this subsection is to provide that in hotel-bars and in restaurants that do no business on Sundays the present half-holiday weekly and the Sunday holiday shall be preserved. I am satisfied that that is what the Minister of Labour intended. But a careful reading of the subsection will show that such is not the case. I wish to explain the existing conditions first. There are many restaurants, such as Kirkcaldie and Stains', the D.I.C., and Godber's, that close up absolutely on Sundays. There is not a hotel-bar in Wellington where the barmaid is employed on Sundays. These workers already get a weekly half-holiday. Their fear has been that if the six-day week is granted they will lose their half-day. That is why they have not signed our petition. I have explained to them that Parliament would never take away from workers holidays

already given or impose worse conditions. I say now to this Committee that rather than get the six-days week at the expense of the minority of our workers who already enjoy a five-and-a-half-days week we would prefer the dropping of the Bill. I know, however, that the Minister would not stand for such an imposition. I merely mention it to prevent a faulty framing of the clause. I wish also to mention here that there are in this city several restaurants which not only close on Sunday, but close altogether on one half-day of the week by rotation amongst themselves, and that all their employees get the half-day then. There is also another defect in this part of the clause, it is the word "exclusively." That word has a very rigid meaning. A barmaid, for instance, could be asked to take the office-work of a hotel for half an hour a week, and then she would not be employed exclusively in a hotel-bar. We suggest the word "substantially" instead of the word "exclusively." There is another alteration we suggest—viz., that the half-holiday for barmen and barmaids should start at 1 o'clock. There is no reason to make it 2 o'clock in the case of workers in bars. Formerly since 1904 it was 1 o'clock, but when the Act was altered to make it 2 o'clock instead of 1 for restaurants, bars were included in the alteration. The barman getting off at 2 o'clock for his holiday has usually already performed eight hours' work. He starts at 6 a.m. Barmen have nothing to do with serving meals at hotels, and it is not fair to keep them till 2 o'clock when every other shop-assistant gets off at 1. Generally and for this part of the subsection we suggest the following wording: "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 full day's holiday on Sunday in each week, and to a half-holiday from 1 o'clock in the afternoon in the case of assistants in hotel-bars, and 2 o'clock in the afternoon in the case of any other assistant, on such working-day in each week as the occupier in the case of each such assistant thinks fit." In this subsection we suggest that the words "or in any hotel or restaurant in which not more than three assistants are employed" be struck out. The hotelkeepers say this means unfair competition, and are opposed to it. It punishes a girl by depriving her of the six-day week merely because she happens to be working for an employer who has not capital enough to buy a business employing four hands. It is easier and less expensive to give a worker in a hotel employing only three hands a day off than it is in a larger place. There is less expert skill required, and generally the three hands are on the same footing. Subsection (5) gives the whole day. It allows of Sunday or any other day being given, and that it is practicable, I have already shown. Subsection (6) is unfair. The sons or daughters of a publican are workers the same as the others in his employ. I know of hotels where there are six and eight of a family employed. It gives such hotelkeeper an unfair advantage in trade. We ask for the deletion of "the children" from the subsection. Section 28 provides for the accumulation of holidays. We ask for its deletion. No worker should be required to work three months, seven days a week, sixty-two hours a week, without even a half-holiday. Under the present Act night-porters get a full day's holiday every two weeks. Their holidays can be accumulated, but very few of the hotelkeepers agree to such accumulation. They give them the day a fortnight. It kills the one day's rest in seven if taken advantage of. In Sydney the hotel workers get a term holiday every six months besides the five and a half days. I am certain that no hotelkeeper would give his employees a fortnight in three months in preference to a day a week. They hope to get the clause altered so as to provide a few days' holiday every three months or annually, instead of the full equivalent of the whole days missed. The hotelkeepers will offer money payment instead of the holiday. I want to impress on this Committee that it is not extra money we want but the holiday, and we want it weekly instead of three-monthly. If money instead of the holiday were permitted all that a hotelkeeper would have to do would be to pay a girl £1 3s. a week instead of £1—engage her at £1 per week and pay her regularly weekly the 3s. for the lost holiday. We ask that the section be struck out. The House divided on it in 1910, and had we lobbied it would have been defeated. The hotelkeepers were not keen on it after their proposal to the Labour Bills Committee to lessen the term holidays was rejected by the Labour Bills Committee. It may be said that provision should be made in the Bill to get over holiday weeks, such as race week in Christchurch. The next section does that. In its general sense it is not a new section as indicated. It only provides for the whole day, instead of the half-day as at present. I drafted the section on the present Act, and Mr. Millar accepted it and thanked us for the suggestion. It overcomes the race week difficulty. As stated, this new section is only altered to provide for the whole day given in section 27. It means that instead of hotel workers in Christchurch at Carnival week getting the whole day in that week they get two days the next week. This section renders the preceding section *re* accumulation of holidays entirely unnecessary. There is a defect in the wording of clause (*a*) of this section 29. If it is not altered, then, instead of the half-day on Saturday, say, or any working-day of the week for that matter, the Sunday might be given as the whole holiday and the weekly half-holiday lost. We suggest the addition of the words "on one working-day" after the words "a whole day's holidays" in the third line. Section 30, holiday-book: It has been suggested to the Committee that this makes it compulsory for the occupier to fix the holiday beforehand; but it does not. All that is new in the section is that the worker shall sign the book. He only signs on leaving for his holiday, not a week beforehand. At present a holiday-book is kept and the employer always has the choice of the day. Section 31: This section is loosely drafted. It is of no effect. The period for which any award is made is only three years at the utmost. On December next the period for which any award in force in December, 1910, was made will have expired. We ask for the deletion of the section altogether. His Honour Judge Sim, the President of the Arbitration Court, has intimated that it is better for the Court to await the decision of Parliament on this Bill before making any further awards in the trade. We are content, too, with that intimation. It is fair to all parties. The following are the awards and agreements

in existence in the trade, and the times they were made to expire: Auckland hotels award, to expire 15th August, 1913; Gisborne hotels award, 1st July, 1913; Auckland restaurants award, 16th October, 1913; Rotorua hotels award, 31st December, 1914; Auckland country hotels award, 15th May, 1914; Wellington restaurants award, 27th March, 1913; Napier hotels award, 18th September, 1913; Wanganui and Palmerston North hotels award, 1st August, 1913; Christchurch hotels award, 30th April, 1914; Christchurch restaurants award, expired; Timaru restaurants award, 28th February, 1915; Dunedin hotels award, 1st May, 1914; Dunedin restaurants award, 29th May, 1913; Dunedin private hotels award, 1st May, 1914; Rotorua boardinghouses, 13th October, 1915. Thus it happens that if the Act were to come into operation on the 1st January, 1914, as we suggest, of the fifteen awards now operating, the time for which the following eight were made will have expired: Auckland hotels, Gisborne hotels, Wellington restaurants, Napier hotels, Wanganui and Palmerston North hotels, Dunedin restaurants, Christchurch restaurants. The following other four will have expired by the 30th May, 1914: Auckland country hotels, Christchurch hotels, Dunedin hotels, Dunedin private hotels. Leaving these three: Rotorua hotels award, expiring 31st December, 1914; Rotorua boardinghouses award, expiring 25th October, 1915; Timaru hotels award, expiring 28th February, 1915. But there are two other important points: First, by virtue of a clause inserted by the Court itself, of the seven last-named awards and agreements four will cease the moment this Bill operates, leaving only three in operation; second, of the three remaining, Timaru and Christchurch and Rotorua hotels awards, when the Bill is passed, if there is any conflict between the provisions of this Bill and those three awards, then as the Bill is drafted, or with section 31 dropped out as we ask, those awards will carry on for the term for which they were made. That disposes of the argument that the Bill interferes with the awards of the Court. The inclusion of the section (31) in this Bill opens up before this Committee the whole question of labour legislation. The employers and hotelkeepers, in keeping with the policy of their association, will endeavour to persuade the Committee that the fixing of labour-conditions in a trade should be left solely to the Arbitration Court, and that the Legislature should hereafter relegate all such matters to the Court. Our stand on the question is that Parliament should in the matter of labour legislation lay down, in keeping with the country's accepted principles, the maximum hours, the holidays, and other general conditions in regulation of a trade or occupation, leaving the Court to improve on them when necessary, and generally to fix other matters in dispute between the workers and employers in an industry. That is what every Parliament does in every country where the arbitration system obtains. In no country has any Legislature relegated to an outside tribunal the sole right to fix all the labour-conditions of workers. Any other action would mean the handing-over of the powers of the Legislature to, in some cases, a single individual, and the creation in a democracy of an industrial dictator with power to fix the working-conditions of the whole mass of the people. Only in New Zealand of all countries where the arbitration system exists has the Court been given power to override the judgment and decisions of the Legislature. I wish to place before the Committee lengthy evidence as to the facts in that connection. It was never intended that the Arbitration Court should have the power to so override the Legislature; but the legal mind found a loophole, and the Court has frequently imposed hours and conditions in an industry contrary to the general conditions laid down by the Act governing that industry. The result has been for five years past a contest between the Court and the Legislature as to who should be the authority in the end. It has been a remarkable state of affairs. The Arbitration Court created by Parliament has used its legal knowledge to circumvent the decisions and intentions of Parliament. The first contest arose over the "bank to bank" question. The Court was used to prevent the operation of the Mining Act giving effect to that principle, and after lengthy sparring and delay in the end Parliament had to clearly lay down that no matter what the Court awarded the principle must be given effect to. See the Coal-mines Amendment Act, section 2. It reads, "Section 38 [the "bank to bank" clause] is hereby amended by adding to subsection one thereof the following words: 'Such overtime shall be paid at the rate of not less than time and a quarter for all time worked in excess of the said eight hours, and shall be payable notwithstanding the provisions of any award or industrial agreement now or hereafter to be in force.'" Here is a case where Parliament deliberately interfered with an award of the Court. In the shop trades the Court's power to set aside the legislative conditions was again secured through a legal loophole. In the original Shops and Offices Act the hours-of-labour section was made subject to any award of the Arbitration Court. *Hansard* will prove that the intention of this clause was to give the Court power to award *less* hours than the general maximum laid down in the section. It was never intended that the Court should have power to award *more* hours. But despite the intention of Parliament, the Court, in shop trades, prior to the 1910 Act, often awarded hours in excess of the fifty-two provided in the section of the original Act. In our case the Court fixed sixty-five hours for certain of our workers who under the Act were limited to fifty-two hours a week. The butchers were awarded fifty-six, and the grocers and other trades all got award hours in excess of the Act. The result was an agitation by organized labour to prevent the Court so exceeding Act hours. The Court's action meant that workers in a shop trade, by organizing into a union and going to the Court, got worse hours than they had when not organized. Mr. Millar, the Minister of Labour, realized the injustice of the situation. He sought to remedy it by section 74 of the 1908 Arbitration Act; but even that section did not have the effect intended. It only applied to new laws passed, and left the old Acts just as they were, and the Court with the same power. And even though the section had been passed the Court continued to use its power and make awards contrary to the spirit of the Act provisions. Parliament made another attempt in 1910—this time a successful one. In the 1910 amendment to the Shops and Offices Act the words "subject to an award of the Arbitration Court" were struck out. Another section—11—was purposely inserted to circumvent a provision in our

awards. The position was made even clearer in the 1911 amendment to the Arbitration Act—section 10. That amendment prohibited the Court from putting provisions in any award inconsistent with the statute. All these amendments were made by Parliament because the Court was making awards which in effect deprived the workers of the benefits of the Legislature. It was a case of move and counter-move. We appeal to this Committee to make the position clear and to strike out section 31 altogether. There may be some doubt in the mind of some member of the Committee as to the truth of my statement that the Court has used its power to checkmate the Legislature. So as to make the case quite clear I wish to recount the history of one case here in Wellington. We were before the Court for the first time after the re-formation of our union in November, 1908. For a year preceding that date we were working under a recommendaton of the Conciliation Board which gave us a half-holiday for three weeks and a full Sunday on every fourth week. Before our case was heard the 1908 Amendment Act to the Shops and Offices Act was before the House. That amendment gave us the half-holiday. The Court's award in our case, heard before the passing of the Act and made after the Act was passed, took away from us the full Sunday in four, gave no holidays, and stated that the Court would not deal with holidays as the Legislature had dealt with them. The award then made also contained a provision that in the event of any alteration of conditions by the Legislature the award could be varied by the Court. In 1909 Mr. Millar introduced a Bill fixing our hours at sixty and fifty-six. In 1910 we were before the Court again. Despite the putting-in of Mr. Millar's Bill as evidence, wherein was shown the Cabinet's intention to reduce our hours of work, the Court reimposed the sixty-five hours' weekly work for men and women. It did more: it inserted a clause which said that if Parliament altered the sixty-five hours or any single unimportant matter covered by the award the whole award would lapse. This was done because the Court knew of section 74 and also of Mr. Millar's intention to reintroduce his Bill covering our hours of work. Our 1910 award expired in August, 1912, and since then we have been forced to carry on without an award. Clause 14 of the expired award was an attempt, and a successful attempt, "to circumvent the operation of a statutory provision." The words are not mine, but those of our legal adviser, Sir John Findlay. I stated a case for his opinion as follows, and I also put in Sir John's full answer:—

WELLINGTON DISTRICT HOTEL, CLUB, AND RESTAURANT WORKERS' UNION INDUSTRIAL UNION OF WORKERS.

To Sir John Findlay, K.C. Registered Office, Trades Hall,
Wellington, 17th September, 1912.

SIR,—

Questions have arisen as to the continuance of our award above referred to. The following matters have led up to the creation of those questions:—

The Conciliation and Arbitration Act (principal Act) provides—section (*d*)—

"The currency of the award, being any specified period not exceeding three years from the date of the award: Provided that, notwithstanding the expiration of the currency of the award, the award shall continue in force until a new award has been duly made, or an industrial agreement entered into, except where, pursuant to the provisions of section twenty-one or twenty-two hereof, the registration of an industrial union of workers bound by such award has been cancelled."

This section remains as originally enacted, and shows clearly, we think, the intention of the Legislature—viz., that awards of the Court run on for ever unless superceded by a fresh award or agreement, or destroyed by reason of the cancellation of the union. Section 74 of the amended Act, 1908, reads,—

"The provisions of an award or industrial agreement shall continue in force until the expiration of the period for which it was made, notwithstanding that before such expiration any provision inconsistent with the award or industrial agreement is made by any Act passed after the commencement of this Act, unless in that Act the contrary is expressly provided. On the expiration of the said period the award or industrial agreement shall, during its further subsistence, be deemed to be modified in accordance with the law then in force."

This section was framed designedly. It indicates clearly that Parliament anticipated the passing of enactments containing provisions inconsistent with extant award provisions. Indeed, it was framed for the purpose of prohibiting award conditions in excess of statute stipulations. In practice it was found that the section did not prevent the Court awarding conditions in excess of statute conditions, where the statute exceeded was passed prior to the enactment of the section. But as framed the section (74) is meant to further extend section 90 (*d*) of the main Act. It provides for the continuance of the award, modified in accordance with the statute requirements.

There have been two Arbitration Court test cases on the point—Le Cren *v.* Wairarapa Farmers' Co-operative Society, and one other case. Both cases went to show that the section (74) was effective, as intended. The section quoted was enacted in 1908. On the 15th July, 1910, the Court of Arbitration made an award in answer to our application (Book of Awards, Vol. xi, p. 325). In that award, for the first time in any Arbitration Court judgment, there was inserted a clause "Alteration by Legislation." It reads.—

Clause 14. "*Alteration of Award by Legislation.*—14. The provisions of this award shall continue in force until any change is made by legislation in any of the conditions fixed by this award. On any such change being made, all the foregoing provisions of this award shall cease to operate, and thereafter during the term of this award the following provisions shall be in force: Subject to any legislative provisions on the subjects, the hours of work, wages, and other conditions of work of all workers coming within the scope of this award shall be fixed by agreement between each employer and the individual workers employed by him."

This clause was enacted by His Honour the President of the Court, we hold, because of section 74 of the amended Act, and mainly because of our efforts to secure legislative as well as Arbitration Court redress. The award prescribes—clause 4, "Hours of Labour":—

"*Hours of Work.*—4. (*a.*) A week's work for all classes of hotel workers covered by this award shall not exceed sixty-five hours."

On the 3rd December, 1910, roughly four months after the making of our award, the Shops and Offices Amendment Act, 1910, was passed. The general sense of that measure is to provide a working-week of sixty-two hours for male workers and fifty-eight for women workers in hotels. Section 11 of that Act exempts hotel workers from the hours provisions where award regulations are in existence, but only during the period for which the then current awards were made. This section was purposely inserted so as to counteract clause 14 of the award, with the thought that if the award and its provisions could be maintained inviolate for the term for which it was made, then section 74 of the amended Conciliation and Arbitration Act would ensure its (the award's) continuance, modified by statute, thereafter in keeping with section 90 (*d*) of the main Act.

The 2nd August, 1912, came, and with it the date of expiry of the term for which our award was made. As outlined above, the case for the continuance of our award, notwithstanding clause 14 thereof, was submitted to the Labour Department. Unofficially we are informed that the Department has been advised by the Solicitor-General that clause 14 of the award has the effect of wiping out the award provisions and leaving the union with an award which is not an award for any practicable purpose.

To further gauge the position an interpretation of clause 14 of our award was sought from the Court itself. The Court has filed the following answer, dated 16th September, 1912 :—

"The effect of the Shops and Offices Act, 1910, was to alter the hours of work fixed by the award. So far, however, as related to hotels and restaurants governed by any award then in force, section 11 suspended the operation of the Act until the expiration of the period for which such award was made. On the expiration of that period the alteration in hours took effect; then clause 14 of the award came into operation, and the other provisions ceased to operate. The position, therefore, is that, subject to legislative provisions on the subject, the hours of work, wages, and other conditions of work of the workers coming within the scope of the award have to be fixed by agreement between each employer and the individual workers employed by him."

We take this answer to mean the Court of Arbitration holds that we have now an award the single provision of which is the second paragraph only of clause 14 of our interfered-with and apparently riddled award. Paragraph (*b*) of clause 14 (the single provision of the award) grants to workers under the award not one solitary working restriction other than would otherwise obtain in the trade were there no industrial union, no Court of Arbitration, or no award in existence. It grants to hotel workers in Wellington organized in an industrial union, loyal to the Act and Court, no more protection, no more regulation, no better or varied conditions of labour than obtains in hotels on the west coast where there is no industrial union of botel workers in existence.

Has the Court acted within the ambit of its jurisdiction? Section 20 of the main Act gives the Court wonderful powers *re* dealing with industrial matters, but is not the insertion of clause 14 in the award, and the interpretation put on it by the Court, a violation of the scheme and spirit of the Arbitration Act, as set out in sections 90 (*d*) and 74 quoted above? Has not the Court exceeded its statutory powers? Is this second part of clause 14 an award within the meaning of the Act; or, even if the Court later on holds that in addition to clause 14 the statute provisions, the hours, and holidays are now incorporated in the award in substitution of the former hours-of-labour clause of the award, would that strengthen the judgment as an award within the Act? If a union applied to the Court of Arbitration for an award in regulation of labour conditions in its trade and the Court gave judgment as follows, together with list of parties and term of award, this single provision—"Subject to any legislative provision on the subject, the hours of work, wages, and other conditions of work of all workers coming within the scope of this award shall be fixed by agreement between each employer and the individual workers employed by him"—would that be an award? Finally, has the Court overridden sections 90 (*d*) and 74 of the Conciliation and Arbitration Act?

On these matters we ask your opinion and advice.

Yours respectfully, for the union,
E. J. CAREY, Secretary.

OPINION: WELLINGTON COOKS' AND WAITERS' AWARD.

Clause 14 of the award made on the 15th day of July, 1910, is the second-last clause of the award. The whole of the operative part of the award determining hours of work, wages, and other conditions of work is contained in the thirteen preceding clauses.

The currency of the award is fixed by the last clause (15). Clause 14 was therefore not necessary for the purpose of declaring the currency of the award. Its provisions—when they came into operation by the happening of the condition mentioned therein—cannot be said to fix the hours, wages, or conditions of labour at all, for it relegates all matters commonly dealt with by the Court to private contract.

Now, this condition is a provision that "the provisions of this award shall continue in force until any change is made by legislation in any of the conditions fixed by this award." And upon the happening of this condition, the clause goes on to provide that all the *foregoing* provisions of the award (that is, all the operative provisions except 15, the currency clause) shall cease to operate, and that thereafter during the term of the award the following provisions shall be in force: "Subject to any legislative provisions on the subject, the hours of work, wages, and other conditions of work of all workers coming within the scope of this award shall be fixed by agreement between each employer and the individual workers employed by him."

Now, I think it is clear that the effect of this clause (assuming it to be valid at all) is, upon the happening of the condition, to destroy the award; for an award which declares that the hours of work, wages, and other conditions of work shall be fixed by agreement between each employer and the individual workers employed by him is no award: it is the negation of the purposes of an award. If, therefore, clause 14 has any legal effect at all, it is to qualify clause 15, determining the currency of the award, and to make the continuance of the award conditional upon another contingency—viz., that expressed by clause 14.

Upon this assumption, then, the position would be that, immediately a change were made to take effect by the Legislature in any of the conditions of the award, the award would *ipso facto* determine, and the parties be at liberty to proceed for a new award.

Under this head the question arises, Has any change been made by legislation in any of the conditions fixed by the award? It may be admitted that the Shops and Offices Act Amendment Act, 1910, does this, but the effect of section 11 of that Act must be considered. It provides that "Notwithstanding anything in this Act, any award of the Court of Arbitration relating to hotels or restaurants in force on the passing of this Act shall continue in force for the period for which it was made as if this Act had not been passed." The words "the period for which it was made" may, by virtue of the provisions of section 90 (*d*) of the Industrial Conciliation and Arbitration Act, 1908 (Consolidation) mean either (*a*) the period specified in an award, (*b*) the period specified plus the period until a new award has been entered into. The expression is the same as that contained in subsection (1) of section 74 of the Industrial Conciliation and Arbitration Act, 1908.

I am of opinion that the intention of the Legislature was that the legislative provisions should supersede those of the award immediately upon the expiry of the specified period; and the effect of the Shops and Offices Amendment Act, 1910, in conjunction with the said proviso to section 90 (*d*) of the Consolidation Act, is this: that the legislative provisions took effect on the 2nd day of August, 1912 (that is, the day after the expiry of the specified period of the award—namely, the 1st day of August, 1912). But by virtue of section 90 (*d*) the award continued in force after that expiry, and therefore there was a change made by legislation in the conditions of the award of that date. Still, assuming the validity of clause 14, the effect therefore would be to determine the award *in toto* as from the 2nd day of August, 1912, and consequently to negative the effect of section 90 (*d*). In my opinion, therefore, if the clause is valid it puts an end to the award on the 2nd day of August, 1912.

The further more important and difficult question remains: Is clause 14 a valid provision?

The matters which an award is to provide for are specified by section 90 of the consolidated Act, and the object and effect of clause 14 being to put an end to the award it may be said to be a provision relating to the currency of the award. Without doubt clause 15 specifically provides for the currency of the award; and if it was intended to qualify this in an ordinary way, the qualifying proviso would have followed clause 15. It may, however, be put this way: that the duration of the award is to be two years, plus the period intervening before a new award is made, unless during this period legislative amendments are made, in which case the award shall remain in force only till the change is made by Legislature. That is the effect of the clause. It is straining language to attempt to say that the award remains in force after this.

The Court has a discretion to make or refuse an award (*vide* the Agricultural and Pastoral Workers' case). But if clause 14 is not to have the effect I have stated then the Court has a third course—namely, to bind the parties down to abide by conditions of private contract for a *specified period*, and so prevent them from renewing their application for an award for three years, and so on *ad infinitum*. I do not think the Court has any such power; it would stultify the Act, and be as absurd as to say that a Court of law could decline to decide between parties and declare that its determination of the suit shall be such agreement as the parties shall come to. Clearly the Court of Arbitration cannot

abrogate to itself the powers of the Legislature. It cannot make any valid provision which directly conflicts with its own or any other statute. This is nothing more than to say it can do nothing unlawful. Was it, then, unlawful for the Court to say "immediately any change is made by legislation the award shall cease"? That is to say: The provisions of this award shall not continue in force for the period for which it was made if before such expiration any provision inconsistent with the award is made by any Act. But section 74 of the Industrial Conciliation and Arbitration Act Amendment Act, 1908, which was in force at the time of the making of this award, provides as follows:—

"(1.) The provisions of an award or industrial agreement shall continue in force until the expiration of the period for which it was made, notwithstanding that before such expiration any provision inconsistent with the award or industrial agreement is made by any Act passed after the commencement of this Act, unless in that Act the contrary is expressly provided.

"(2.) On the expiration of the said period the award or industrial agreement shall, during its further subsistence, be deemed to be modified in accordance with the law then in force."

This section was no doubt enacted to provide for much the same thing as the Arbitration Court has in view in inserting clause 14 in the award; but while the Act prevented the operation of statutory modifications during the currency of the award only, clause 14 is unlimited, and if effective would prevent the continuance of the award at all after the statutory changes take effect. Thus, while the Act says, "The provisions of the award shall continue in force for the period for which it was made, and *during its further subsistence* shall be deemed to be modified in accordance with the law then in force," the award says that during its further subsistence it shall be in effect no award—it shall be the framework which waits for a picture to frame—it shall cease to operate as an award altogether.

No doubt clause 14, in view of section 90 (*d*) of the consolidated Act, section 74 of the Industrial Conciliation and Arbitration Amendment Act, 1908, and of section 11 of the Shops and Offices Amendment Act, 1910, can have no effect till the expiry of the specified period of the award, because the legislative changes are suspended till that time, and therefore it may be said that the matter is not of moment, as the parties can in any event at such period proceed to obtain another award. There is, however, in my opinion, a direct conflict between section 74 and clause 14. I think it is an attempt on the part of the Arbitration Court to circumvent the operation of a statutory provision. The Act says the award shall subsist for a period after the expiration of its "currency"; the award says it shall not.

I am therefore of opinion that clause 14 has no legal effect. It is repugnant to the statutory provisions, and in any event attempts to declare by award that the parties to the award shall be bound by private contract only. I think this is contrary to the spirit of the Industrial Conciliation and Arbitration Acts, and that there is no jurisdiction in the Arbitration Court to make such a provision. I see no reason why an award should not be good in part and bad in part, and I do not think that the whole award is vitiated by clause 14, but that the award should be read as if clause 14 were a nullity.

The further question remains as to what remedy (if any) is open in the event of the Arbitration Court deciding that clause 14 is valid and now governs the conditions of work.

It has been decided in the case of Blackball Miners *v.* the Judge of the Court of Arbitration and Others (27 N.Z. L.R. 905) that, however erroneous in fact and in law the decisions of the Court of Arbitration might be, so long as it purported to be acting in pursuance of the Act creating it, and confined itself to the subject-matter of the Act, the effect of section 96 of the Act of 1905, analagous to section 96 of the Industrial Conciliation and Arbitration Act, 1908, was to place it absolutely beyond the control of or interference by the Supreme Court. In the circumstances of that case the Court decided that as a matter of fact the Court of Arbitration had acted within its jurisdiction, and the references to section 96 of the Act of 1905 were for the most part *obiter dicta*. On the other hand, Mr. Justice Edwards, in a dissenting judgment, held that, notwithstanding section 96, the Supreme Court still had the power to issue certiorari to bring up the proceedings of an inferior Court, and to quash the adjudication upon the ground of a manifest want of jurisdiction in the tribunal which made it. And although it is true that in such a case a Judge having general jurisdiction over the matter found a fact which, though essential to his jurisdiction, he was competent to try his adjudication upon the merits cannot be questioned upon certiorari, it is also true that if the jurisdiction depends either on the character of the constitution of the tribunal, or upon the nature of the subject-matter of the inquiry, or upon certain proceedings which have been made essential preliminaries to the inquiry, these are matters which are extrinsic to the jurisdiction impeached; they are matters which may be inquired into by superior Courts, and if upon that inquiry it is found that the adjudication is without jurisdiction it will be quashed. And he held further that an inferoir Court cannot, by an erroneous interpretation of the statute upon which its jurisdiction to enter upon inquiry deperds, clothe itself with a jurisdiction which it does not possess.

There is another case in which certiorari can always be granted, and that is when the defect of jurisdiction appears on the face of the proceedings: *Ex parte* Bradlaugh (39 B.D. 509), Cotton *v.* Hawkins (15 N.Z. L.R. 496. 5 Cl.), and see Privy Council decision in the Colonial Bank *v.* Millar (L.R. 5 P.C. 417).

I am of opinion that the view taken by Mr. Justice Edwards on these heads is correct. Doubtless the other members of the Court considered section 96 went a good deal further than this. The Chief Justice and Mr. Justice Williams did not decide the Blackball Miners' case on their view of section 96, but the Chief Justice expressed an opinion that section 96 absolutely prohibited any interference. It is probable, therefore, the Court of Appeal as at present constituted would follow the Blackball Miners' decision so far as to say that the circumstances of this case are not distinguishable. Still, in my opinion the ruling of the Court of Arbitration in clause 14 of the award would be impeachable on two grounds —(*a*) That the nature of the subject-matter of clause 14 is outside the scope and ambit of the Court of Arbitration, and that there is therefore a manifest want of jurisdiction; (*b*) that the defect of jurisdiction apparent in clause 14 is a defect appearing on the face of the proceedings.

My opinion may therefore be summarized as follows:—

(*a.*) If clause 14 be held to be within the jurisdiction of the Court of Arbitration, its only possible effect is to determine the award and set matters at large.

(*b.*) In the circumstances of the case, and upon the same assumption, the effect of the clause was to determine the award on the 2nd day of August, 1912, by reason of the coming into operation on that date of the Shops and Offices Amendment Act, 1910.

(*c.*) The Court of Arbitration had no jurisdiction to declare clause 14 to be part of the award, and on any proceedings based upon that clause certiorari would be obtainable from the Supreme Court.

As to the method of bringing the question here raised before the Court of Appeal, the promptest way would be that of getting the Judge of the Arbitration Court to state a case for the opinion of the Court of Appeal. (See section 59 of the Industrial Conciliation and Arbitration Amendment Act, 1906). This section refers, it will be seen, to "any matter before the Court," and it is unlikely that the Judge will treat any past proceedings as "a matter before the Court." Proceedings, however, could be taken for an enforcement on the assumption that the award is, by virtue of the statute, subsisting, and that clause 14 has no effect; and on these proceedings His Honour would then in all probability state a case for the opinion of the Court of Appeal, or, failing his doing that, recourse might be had to a writ of certiorari.

Wellington, 30th September, 1912. J. G. FINDLAY.

We were not in a financial position strong enough to face lengthy and expensive Appeal Court litigation over the question. It was really a question as to whether the Court or Parliament should be the supreme authority, and was, we submitted, a case for the Department to take up. The Department, however, held otherwise. It had been advised different to Sir John's opinion. The consequence has been that for over a year now we have been without an award. It is an incredible position. We are a set of unions that have been loyal to the arbitration system. None

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."

Section 28: By the deletion of the whole of this section

Section 29: By adding the words, "On some working-day" before the word "during" in the third line of subclause (*a*).

Section 31: By deleting section 31 altogether, or, in the alternative, by making the section read, "Notwithstanding anything to the contrary in any Act or in any award of the Court of Arbitration, the whole of the provisions of this Act shall operate from the day of its commencement, and all awards of the Court of Arbitration shall be deemed to be modified accordingly."

2. *Hon. Mr. Millar.*] Are you aware of any country in the world, Mr. Carey, where a Judge has power over the Legislature?—No, I am not.

3. You think it is right that Parliament should be supreme?—I have read in my evidence the legislation of the Mining Act.

4. You consider Parliament qualified to fix the hours of work?—Yes, sir, I believe that Parliament should lay down a general principle, and the Court should be made to conform to the conditions laid down by the statute.

5. Is it the usual custom for Parliament to fix the hours of labour?—Yes, it is growing everywhere. It is being done in all the Australian States, and there has never been any conflict between the Courts and the Legislature, or the Wages Board and the Legislature.

6. Now, what countries in the Australian Colonies have legislation for six days a week?—No country, except that there is a Bill before the Victorian House to-day.

7. Now, in regard to the agreement entered into in New South Wales, how far does it extend?—Just over an area of thirty square miles within the precincts of the metropolitan area of Sydney. I know of no legislation that is not of general effect.

8. I think I can show you some. In Victoria the original Saturday half-holiday is continued. There is no legislation generally affecting the whole of Victoria?—No, except the Bill that is there now.

9. *Mr. Okey.*] Do you object to have two half-days during the week instead of a day?—Yes. This is what the half-day means: it only means two hours. Two half-days would only mean missing two meals.

10. You object to a man's own family—his own children—being employed by him?—Yes; the Arbitration Court and all labour legislation has made it general for the son of a father or the daughter of a father working in his shop to be the same as the ordinary worker. I know a hotel in your district, Mr. Okey, where seven or eight members of a family are employed—Inglewood. Here would be the position: The Inglewood hotel employing members of the family; right opposite a widow woman keeps a hotel employing a staff of four or five hands, and having to observe hours and holidays and other labour regulations, which would be most unfair.

11. *The Chairman.*] You quoted largely from the Italian and French legislation. Do you think the workers on the Continent are living under better conditions than in this country?—Yes, I am satisfied that the hotel workers are as far as holidays go.

12. Do you know how many hours they work in Canada?—No.

13. Do you know they work ten hours a day?—No. We work more than ten hours a day here in some cases.

14. You stated that the People's Palace and the Leviathan charged 5s. a day tariff, and they adopted the same conditions as you ask for?—Yes.

15. You think it is possible that any private hotel could prosper under a 5s.-a-day tariff?—I know, as a matter of fact, the People's Palace is a paying proposition, mainly because it is giving good conditions to its workers. The Salvation Army people have no business control over the People's Palace at all; it is run as a business proposition. The manager assured me of that. They are able to give better conditions than we ask for.

16. You say the brewers are making 20 per cent. You do not think the hotelkeeper is making 20 per cent.?—In many cases the hotelkeeper is manager for the brewery.

17. Do you know of cases where hotelkeepers have tried to sell out and could not do so?—I know of hotels sold for over £2,000 a year goodwill.

18. With regard to a man working a hotel with his family, do you think a man should not have the benefit of employing his family up to a certain age?—I say, if the conditions are fair for somebody-else's son or daughter, then they are fair for a publican's son or daughter.

19. You are not giving encouragement for families under your system?—No, I say it is unfair for a widow woman to have to compete with a hotelkeeper whose hotel is entirely free from legislation.

20. If you had a large family to assist you, you mean to say that you would not consider it hard that you could not utilize their services?—No. In the first place, I would not work them seven days a week.

21. That is not the question. The question is having to comply with the same regulations as a man with no family. Do you not believe in that man having the privilege of employing his children to assist him in business without conforming to hotel regulations?—I say No; where in the hotel business the grown-up children of the licensee are working for the licensee, then that licensee should not be given a privilege over the licensee who has the misfortune not to have a grown-up family.

22. You made a statement in regard to hotels in Westport not under unionism?—I said that until the 1910 amendment to the Shops and Offices Act workers who organized themselves into a union and went to the Arbitration Court to better their hours found that the Court used the legal loophole and imposed longer hours than the Act prescribed, with the result that instead of getting better conditions a section got worse, and really that the result of our organization was an award of thirteen hours in excess of the Act hours governing that section of workers.

23. You do not think that the law should discriminate between organizations and trades that are not organized?—I do not.

24. *Mr. Glover.*] Mr. Chairman, I would like to ask Mr. Carey as to the Act in regard to fruiterers?—It may be necessary in the fruit trade for the trading-hours to extend over the eight-hour day. It may be necessary, as that gentleman from Auckland stated, to keep open till 11.30; but we say that they ought to readily agree to give us less working-hours than ordinary shop-assistants get. The position has been that the shopkeeper has come along to the Legislature and said, "My shop has to be kept open sixteen hours; I should have the right to have my assistants working all that time."

25. *The Chairman.*] So far as any particular day?—The section 30 is no different except that the workers shall conform to the existing law and that the hotelkeeper shall say which of his assistants shall have the half-holiday and on which day.

26. *Mr. Okey.*] I understand that there is a manager put in the People's Palace Hotel, and that it is worked by the Salvation Army and under no rent?—Yes, the rent is paid. I made particular inquiries of Adjutant Downie himself, and he told me that the hotel was purely a business proposition, and no assistance was given to it by the Salvation Army organization.

27. But do you know if it is rent-free?—No, he pays rent.

28. What amount does he pay?—I cannot say. In the last three years he tells me he has been able to pay up all his back rent.

29. He is paying a fair rent?—Yes.

30. *Mr. Anderson.*] Do you know what percentage he is paying on the capital invested?—I do not know; the manager told me it was a business proposition. You can understand my position: it would not be the thing for me to ask an employer to come and give evidence on our side of the Bill. I have never gone to the other side for assistance.

31. The point we have to get at is, What is the percentage upon the capital invested in that company that it has paid?—I could not say, but I will find out.

32. I think you ought to find out, as unless we know that it is of no value whatever. Have you had any experience of country hotels, Mr. Carey?—Yes.

33. Do you think it is possible in country hotels to give the same privileges to employees that are given in cities?—Yes, easily. It only means a little better management on the part of the proprietor. Mr. Okey smiles, but we know as a fact that all these statements about going bankrupt were made when the half-holiday was proposed.

34. You are not in favour of two half-holidays?—No, we want the whole day.

35. I may as well say I am in favour of six days a week. I asked several men, proprietors of private hotels, what their opinion was. You will be surprised to hear that in every case, with the exception of one where the hotel-proprietor runs his place by the aid of his family, they all said that two half-days was practicable and one whole day impracticable?—It may be that they think it is impracticable, but the fact that it has been done is surely sufficient evidence that it can be done. If it is done in a place like Italy it can be done here.

36. Would you like to live in Italy?—No, but I want to bring New Zealand up to Italy in this matter.

37. *Mr. Clark.*] Do you mean to insinuate, Mr. Carey, that the sons and daughters of hotel-proprietors are not working under as good conditions as those employed?—Well, if there is any paternal feelings between parent and children, I should say, under better conditions.

38. Well, suppose a case (such as I know) of a man with his wife and four of his family working a hotel, if he was compelled to grant these children a full day a week off he would have to employ outside labour, and that would mean he would have to give his profit away. He starts them now in farms out of his profits?—The minute in any statute you give the sons and daughters of an employer a privilege over other workers, then later on others will come in and ask for this to be extended. It is not fair in the interests of the other hotelkeepers who are not so fortunately circumstanced.

39. *Mr. Veitch.*] Do you believe in a parent being allowed to work his children longer hours than he would be permitted in the ordinary way?—No.

40. Assuming that the People's Palace pays a lower rent-value than any other hotel in Wellington, and that that is the reason why the People's Palace are able to give better conditions to their staff than other hotels, would not that be a proof that the workers in establishments other than the People's Palace are being sweated to enable the proprietors to pay the higher rents—in short, that these long hours are due to rents being too high?—Yes. There is this further point, Mr. Chairman: the hotelkeepers will not admit it, but it is a better arrangement than at present. As a matter of fact, in Melbourne to-day, in the larger hotels, the dining-room staff get a six-day week without a law on it.

41. *Mr. Anderson.*] Do you object to families entering into partnership?—No, the moment they do they would be exempt from the provisions of the Act. If the parent is a good parent and a good employer the section cannot be a hardship; it would only affect the unscrupulous parent who would seek to work his sons and daughters such ungodly hours as would injure their health.

42. If he did not have a son or daughter he would have to employ some one else?—He would not be there, probably, otherwise.

43. *The Chairman.*] Do you think a rent based on 6 per cent. excessive?—No.

44. We had evidence the other day here when the rent was something like £75 a week, and that showed 6 per cent.?—It was only an assertion.

45. *Hon. Mr. Millar.*] Just one point about Chile: are the majority of hotel employees coloured?—I cannot say. Even if they are they are deemed worthy of legislative protection.

46. *The Chairman.*] I think it is a case of distant pastures looking green?—No, it is a case of cold facts.

47. *Mr. Grenfell.*] Now, as to the results of your going to the Arbitration Court?—I said this: that the fact of our going to the Arbitration Court and getting the award made for some of our workers a longer week by thirteen hours——

48. What Act was in operation at that time?—I repeat it again, word for word: that the fact of our going to the Arbitration Court meant this—that a section of our workers were awarded thirteen hours a week longer than a corresponding section of workers working, say, in Westport. A waiter in a restaurant was required by the Act to work fifty-two hours a week; the Conciliation Board fixed sixty-five hours as against fifty-two in the Act. The action of the Conciliation Board was considered to be wrong, and its recommendation was invalidated because of its fixing hours in excess of the Act; but what was wrong for the Board to do was legal for the Court to do, and the Court, after declaring the Board's determination invalid because of its fixing sixty-five hours per week, itself reimposed the sixty-five hours. The Legislature never intended that the Court should award more hours, but the legal mind saw this loophole and, instead of awarding less, awarded more.

49. On what do you base your statement that the Legislature never intended the Court to award more hours than were fixed by statute?—*Hansard.*

50. Can you mention some of the speakers?—No, I cannot.

51. With respect to your present award and the provision of the Court regarding alteration in the conditions by legislation, is this not the position from the standpoint of the Court: that the Court was established to fix the hours and working-conditions of the worker, also to fix the rates of wages. Is it not reasonable for a Court of equity to say that if the basis upon which an award is made is altered by legislation, that award should be broken down, and that the Court having decided that certain rates of wages based upon the working-hours should be paid, reasons the matter out and decides that if the basis of this award is disturbed as to the working-hours it is reasonable that the whole award should go to the wall, and the legislation should not reduce the hours of work without reducing the rate of wages? I put it to you, Mr. Carey, is it not reasonable that the whole award should be wiped out? If the Court bases the rates of wages upon the hours that were fixed by statute and that basis is destroyed, is it not reasonable and equitable that the whole matter shall be set aside and it be open to the parties to appeal to the Court again by a revision of the working-conditions?—The Court says this: that if Parliament alters a law now in operation, then, though the conditions in that law are not in any way contained in any provision of the award, the award, though silent on all the conditions of that law, shall cease to operate. I will read the clause (Book of Awards, Vol. xii, page 525, clause 14):—"Alteration of award by legislation: The provisions of this award shall continue in force until any change is made by legislation in any of the conditions fixed by this award or by statute. On any such change being made all the foregoing provisions of this award shall cease to operate, and thereafter during the term of this award the following provisions shall be in force: Subject to any legislative provisions on the subject, the hours of work, wages, and other conditions of work of all workers acting within the scope of this award shall be fixed by agreement between each employer and the individual workers employed by him." This is what that may mean: The Act says there shall be not longer than five hours between a meal—that is the statute. The employers or anybody might come along and ask that there be five hours and a half or four hours and a half. We would lose all the benefits of the Arbitration Act, and lose our award, in the event of such an alteration to the statute.

52. Would it not be open for the union to apply to the Court for another award?—I say this: there are five specific legislative sections each one trying to make the Court conform to the statute.

53. Now, Mr. Carey, did not the Arbitration Court, when hearing your last dispute, refuse to fix certain matters which were being settled by legislation. Has not the Court in its awards said so? Is not that a fact?—Yes.

54. Does that show any conflict between the Court and the Legislature?—Yes, we had under the Board's recommendation a half-day and a whole day. The Court refused the holidays. Our case was heard before the passing of the Bill, and the award made after the Bill was passed. The remarkable position is this: that only in the hotel-trade awards does this state of things exist. If any alteration is made by legislation then hotel and restaurant workers lose their awards and the Act benefits. Other unions in other shop trades do not. My suggestion to the Committee is that this Act be considered so as to entirely leave all reference to the Court out, the same as is done in Australia.

55. Mr. Carey, I want an answer to this question: Is it equitable that the Court should say that an award that is based upon certain hours and conditions shall cease to operate as soon as the basis of these conditions is altered?—The Court's awards are based on a weekly wage.

56. I ask you as a man, is it an equitable provision for the Court to make?—Yes; we never objected to that if provided for as indicated in clause 20 of our 1908 award. Now we are told by the Court if there is any alteration in a law that because of that alteration the unions of hotel workers shall be penalized and denied all the privileges and benefits of the Arbitration Act.

57. *Mr. Long.*] Mr. Carey, is it not the position that if an award is got from the Court for a period of three years, and if within one month afterwards there was an alteration by legislation in the direction of hours and holidays, that they would have to wait all that time before they get the benefit of it?—Well, Sir John Findlay says the Court's clause means one thing and the Labour Department adviser says it means another. I asked His Honour the President of the Court to give an interpretation, but he did not touch the point. This is what I fear, sir: Suppose we go to the Court and secure an award for three years, and there is an alteration subsequently made by the Legislature in some existing statute which we have never asked for, then for the term of the award—that is, for three years—we will be bound to freedom of contract and denied the benefits of an award and the Arbitration Act for that time.

WILLIAM PRYOR, Secretary, New Zealand Employers' Federation, presented the following statement. (No. 41.)

New Zealand Employers' Federation: Shops and Offices Bill, 1913.

Schedule of objections to the Bill, with alterations, amendments, and additions desired by the Federation:—

Clause 2 (interpretation clause): Object to inclusion of private hotels and boardinghouses. If included, object to exemption of those where less than three are employed. "Restaurant," provision should be made that pastrycooks', fruiterers', or confectioners' shops combined with restaurants should be deemed to be restaurants.

Clause 4 (records to be kept): "(1) (*b*)—Object to insertion of words "from time to time" instead of the word "usually" as in present Act. Subclause (3)—Object to two years' record; think six months' sufficient.

Clause 5 (hours of employment): (1) (*a*)—The proviso prohibits the employment of any female in a confectioner's or fruiterer's shop after half past 9 o'clock, while the First Schedule allows employment up to 10.30 and 11 p.m. Necessary for assistants to be employed to cater for late theatre and other business. Subclause (2)—Object to restriction to Friday late night, as the late night should be optional to suit the class of business, and it will prevent any late night in any week when a whole holiday occurs on Friday. No necessity for any alteration of section 3 (*b*) of the 1908 Act. Subclause (5)—The definition of "confectioner" should be extended to include pastrycooks. The addition of the words "pastry, cakes, or other goods of a like nature" is suggested.

Clause 8: Subclause (3)—This subclause should be struck out, and provision as in clause 22 of the Factories Act for extra payment for overtime prescribed. Subclause (6)—Proviso completely nullifies the provisions of this clause, and takes away from the Arbitration Court the right to allow any overtime whatever.

Clause 9: Hotels and restaurants should be exempt from this clause, as it has been found impossible to enforce its provisions in the present Act.

Clause 23 (closing in certain districts): If compulsory closing-hours are to be adopted the clause does not go far enough. All shops in the Dominion except those provided for in Schedule I should be made to close at 6 p.m. and 9 p.m. Late night should be optional, for reasons given in connection with clause 5 (2).

Clause 24 (1) (closing by requisition): Delete the words "in the evening of," and insert the word "on." (3.) "Particular trade" should be defined as meaning the particular part of the business carried on by any person who signs the requisition. Subclause (7) should apply to all shops, not only to those to which the requisition relates. Delete the words "or deliver."

Clause 26 (1) (hotels and restaurants): Insert the word "nine" before the word "ten" in line 51.

Clause 27 (*b*): Insert after the words "sixteen years," in line 14, the words "for more than fifteen hours in any one week in the case of a midday waitress." (4)—Object to exemption where not more than three assistants are employed. (5)—Weekly whole holiday objected to.

Clause 28 (1): Makes provision for up to fifty-six days off in the year, being more for accumulated holidays than for separate weekly holidays, when they should be less, as accumulated holidays are very much more valuable than separate holidays.

Clause 30 (1): The word "fixed" should be deleted, as it has been found impracticable to observe fixed days for individual employees and has not been insisted upon by the Department except in some exceptional cases in Auckland.

Clause 37 (*i*) (sanitation, &c.): Suitable heating-appliances specifically prescribed, and not left to the opinion of individual Inspectors.

Clause 43: Should be thirty minutes instead of fifteen minutes.

Clause 55: The provision for overtime in the proviso is strenuously objected to, as it overrides the whole of the Drivers' Arbitration Court awards of the Dominion. The words underlined should be struck out.

FRIDAY, 5TH SEPTEMBER, 1913.

JAMES GODBER examined. (No. 42.)

1. *The Chairman.*] What are you, and whom do you represent?—I am a pastrycook and confectioner in Wellington; I represent my own firm of J. Godber and Co. (Limited), and also quite a number of people in the same line throughout the colony.

2. Have you any written authority?—No.

3. You wish to speak?—I have to thank the gentlemen of the Committee for their courtesy in allowing me to come before them. I wish to state my case as briefly as possible. I wish, in the first place, to draw attention to the definition of bakers and confectioners, clause 5: "A 'baker' means a person whose business is to sell bread or cakes, and a 'confectioner' means a person whose business is to sell confections or sweetmeats." People in our line of business deal in both of these. We have also restaurants in connection with our establishments, and the most important part I wish to draw attention to is the anomaly which exists between the restaurants and shops. The shops are a uniform part and parcel of the restaurants. They divide their profit according to the Act. The restaurant is a shop, but a shop is not a restaurant, and if the shops as existing in the Bill were not allowed to employ any assistance after half past 9 in the evening it would seriously curtail their business. We maintain that the restriction in the hours of labour is quite sufficient in restaurants. You will observe in the schedule that they are

not allowed to keep open after half past 9. The schedule allows us to keep open to half past 10 or 11, so it would be impossible to keep on a business like ours if these restrictions are made. I would respectfully urge, gentlemen, that you would provide a clause to the effect that in cases like ours, where people have to come through the shop to get to the restaurant and tea-room part of it in the evening (as it is impossible to close the shop and the restrictions are such that we cannot keep any female in the shop after half past 9 at night, although the clause reads that we can keep the shop open as a confectioner till half past 10), that in these cases—where the shop and restaurant are combined—the shop shall be deemed a restaurant and not a shop. The shop should be deemed a restaurant (in the meaning of the Bill) and not a shop, because those of our assistants who are employed after half past 9 do not work more than the stipulated time in the day. I have three establishments in Wellington in which a restaurant and a confectioner's shop are combined. The only access to the restaurant is through the shop, and it is a matter of impossibility to provide refreshments for people in the restaurants after half past 9 if the shop is to be closed. It has been the custom always that the shop and the restaurant should be combined. I would respectfully urge, gentlemen, that a clause should be inserted in the Bill to the effect that the business should be called a "restaurant" and not a "shop." Another clause, clause 9, has not any exemptions in connection with restaurants, and, glancing through, we find it absolutely impracticable to observe in connection with our particular class of business, and we would ask that clause 9 should not apply to restaurants. Of course, there is one clause (I do not wish to press it) relating to the hours in connection with hotels, by which assistants in hotels can be employed for longer hours than in restaurants, although the work is quite similar; in fact, I venture to state that the work is not so strenuous in restaurants as it is in hotels. However, that was stressed very much on previous occasions when I had the honour to go before the Committee on Labour Bills in 1910. Clause (*b*) of 27: There is one omission there, sir, which we think will meet with your approval being inserted. I suggest that you might put in fifteen hours' work for midday waitresses. We think that it is reasonable to expect that they should be allowed to work the midday waitresses fifteen hours. In clause 27 (4) people who do not employ more than three assistants——

4. What was the object of that clause?—To allow waitresses to be employed just during the lunch-hour.

5. Is there anything to prevent them now?—There is nothing that I can find that makes any provision for midday waiters or waitresses. In clause 27 (4) there is no provision for holidays for those who employ more than three assistants, and we certainly think it in the interests of the workers that the half-holiday should be uniform. It ought not to be restricted to those who employ more than three assistants; all assistants should be entitled to their half-holiday. Those are the chief points, sir. In clause 30 there is just one word I think that should be eliminated, the word "fixed" in the third line; that may be interpreted in many ways.

6. That is already noted?—I hope these points will have your consideration. It is ruinous to our business if we have to close our shops at half past 9 in the evening—the restriction of the restaurants—so many people wish to take refreshments later than that; it is a convenience to the public, and its curtailment would disorganize our business.

7. *Mr. J. Bollard.*] Would not the shop be closed, Mr. Godber, if you did not sell anything?—You must have some one there. The assistants in the shop supply goods for some one out of the shop into the restaurant—hot pies, cakes, and other things. There must be some one in the shop, especially in confectionery-shops; it would mean partitioning it off and making a passage down to the restaurant.

8. It is not the sales in shops but because it interferes with the business of the restaurant?—Yes, and it also interferes with the business in the shop. People want to carry home things for supper. I take it you, gentlemen, do not wish to restrict trade provided it is carried on on proper lines.

9. *Mr. Veitch.*] Mr. Godber explains that he wishes his restaurant to be treated as a shop?—Not the shop as a restaurant.

10. Now, in connection with that particular matter, would you agree that all your assistants be covered by the restaurant workers' award?—Yes, we observe that now.

11. *Mr. Glover.*] You stated that your employees were not to work in the shop after half past 9?—According to the clause here, section 5, the 2nd clause, it says distinctly, "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 9 o'clock in the evening, or in or about any other shop to which this paragraph relates after 9 o'clock in the evening."

12. Then you desire to have the shop kept open until you close the restaurant?—Yes.

13. If that was carried out would not the shopman put a little restaurant in the back of his business?—I do not think so.

14. Do not you think people in other trades would expect similar advantages?—There is quite a difference between the requirements of a grocer or draper, for instance, and those who require refreshments in the evening. Ours is a perishable trade.

15. Is not the fruit trade so?—Yes.

16. Should it not apply to that as well?—I think myself, sir, that the term "confectioner" should mean pastrycooks and fruiterers as well.

17. You agree with that then: you did not mention that at the time?—I omitted that, sir. Naturally my own particular business is the first thought that comes into my mind.

18. *Mr. Okey.*] You sell eatables: you do not sell fruit?—The only time we do so is during the strawberry season.

19. You do not sell cigarettes?—No, sir, we have never had a license, and do not want one. We sell nothing except non-intoxicants.

20. *Mr. Grenfell.*] Mr. Godber, will you make it clear to the Committee that under section 27 of the Bill you are sufficiently restricted in regard to the actual hours worked by your assistants—clause 27 (*b*)?—Yes, that is so; those are the lines we are working on at the present time, and we think that so long as the assistants do not work more than fifty-two hours the time is immaterial to any one, because it is necessary in order to meet the requirements of the public and to make the business even slightly profitable, and if restrictions are put in like that it would be disastrous to business.

21. *Mr. Carey.*] The Workers' Union have protested against your girls being employed after half past 9. Your girls are not employed on Sunday?—No, they are not.

THOMAS LONG, Secretary of the New Zealand Hotel and Restaurant Employees' Federation, and General Secretary of the Auckland Hotel and Restaurant Employees' Union, made a statement. (No. 43.)

Witness: My union have considered this Bill, and have given me instructions to give evidence on the Bill on their behalf. Definition of hotels: Care must be taken to see that the definitions mean all that they are intended to mean, as we do not want a recurrence of what happened in 1910 in connection with the definition of private hotels in the Shops and Offices Amendment Act, 1910. It was thought then that the Act applied to private hotels and large boardinghouses (*vide* Mr. Justice Sim's decision in the case of the Auckland Hotel Workers' Union *v.* E. F. Black and others, wherein it was proved that the workers employed in the several establishments were working exceedingly long hours, as shown by the evidence sworn to in the Arbitration Court, and no attempt made to refute it. The part that I wanted to put in was the evidence in connection with the Arbitration Court, wherein I stated as to fourteen of the larger boardinghouses in the City of Auckland. I stated my case very carefully, but His Honour Judge Sim refused to make an award. This is my opening of the case. It has been suggested by a member of the Committee that none of the workers had yet expressed their desire for the provisions contained in this Bill. My answer to that is contained in our last conference reports, wherein each union instructed its delegates to vote for the whole holiday, shorter hours of work, and the inclusion of private hotels, clubs, and boardinghouses. I might state that we are responsible for the idea to limit the Bill to boardinghouse-proprietors employing three or more workers.

Re *Private Hotels.*

The union claims that the circumstances relative to the private hotels cited in this dispute are such that the Court can make an award, and for the following reasons: Care has been taken to cite the proprietors of only those businesses which come clearly within the definition of a "private hotel," meaning by that term a business catering for all the business of a hotel without a license; and if an award be made by the Court regulating the conditions of labour of these private hotels it will not result in any individual being driven out of business. The private hotels mentioned are those which can fairly be put in a class by themselves apart from all other boardinghouses in the City of Auckland, because they command a higher tariff, and are, in the manner in which they conduct their business, exactly similar to hotels in the city, with the sole exception that the latter businesses hold a publican's license. In any of the businesses cited a single meal is supplied at any time, and the services are exactly the same as those of a number of hotels in the vicinity, each of which cater for the same class of business. In premises such as the Grand Hotel, the Star Hotel, the Central Hotel, and the Royal Hotel the publican's license is a mere auxiliary to the business of the proprietor, which is particularly for the catering and boarding of travellers, tourists, and other members of the travelling public. The similarity of the businesses cited with the hotels mentioned is a matter of common knowledge, so that there is no need to point out the large number of circumstances which apply to each; and, the facts being such as they are, the union considers that the case is a very proper one for the making of an award, because the employees of these private hotels do the same work and work under exactly the same conditions as those who are employed in hotels but have the benefit of an award. The Court, in the application for an award in the Canterbury District of the 28th July, 1909, gave as one of its reasons for refusing an award that classification of boardinghouses would be very difficult, if not impossible. In the Auckland case, however, the classification can be made, and the union contends it has made one, because, in each and all of the business cited, labour, outside of the labour provided by the members of the owner's family, is employed, and, as stated above, these houses do compete, and compete successfully, with hotels of the same standing; and the conditions, as will be shown, are such that it is highly desirable that an award should be made to regulate the same. Since the decision mentioned, the Legislature has considered the question of regulation of private hotels, as witness its enactment of the Shops and Offices Amendment Act, 1910, in which section 2 clearly contemplates a private hotel as distinct from a tea-room and an oyster-saloon, and also by implication a boardinghouse, because if such implication should not be drawn then it is impossible to understand why the term "private hotel" could be used if it is synonymous with boardinghouses, and we contend that the words "private hotels" as there used, and according to the general application of the term, mean a business which is in all respects that of a hotel except the circumstance of sale of liquor. The Court on the 11th March, 1911, showed that it drew distinction between private hotels and boardinghouses, and this application is to join private hotels only. It is, moreover, contended that the Court is entitled to look at surrounding circumstances in coming to a conclusion as to whether or not an award should be made. If these businesses are allowed to compete, unfettered with any conditions, with hotels carrying on similar businesses, then an injustice is done to the latter businesses in having to pay higher wages than those which are paid in private hotels mentioned, and to restrict their hours of labour when similar servants are worked for as long as the employers impose. That it is desirable to make an award by reason of the conditions of labour existing is clearly proved by the evidence called in the case. The union has no wish to include businesses as to which there is any doubt, and it would therefore ask the Court, if any doubt should arise as to which class any cited business belongs to, to give the benefit of that doubt in favour of the individual case. It is contended by the union in the case of every business cited in this dispute that every worker employed therein is employed for the pecuniary gain of the employer, and the prohibition in section 71 of the Amendment Act does not apply. The businesses are all of them conducted with strict regard to business and as business concerns, and in not one of them is there any suggestion that they are private houses taking in a number of lodgers or boarders or the somewhat ambiguous "paying guests." The union contends that the businesses cited in this dispute are very similar indeed to those cited in the case of the application for an award *re* tourist accommodation and boardinghouses at Rotorua, and the Court's decision thereon dated the 11th April, 1910. All the businesses here cater for the same class of traffic in Auckland. They have a recognized tariff, and they carry on business in very similar conditions. No doubt the Court will, if it makes an award in this case, exercise a discretion with regard to the provisions of subsection (3) of section 90 of the principal Act.

Evidence.

Miss Nettie McNeil, whilst employed at "Stonehurst" as housemaid at the wage of 15s. per week: Start at 6.30 a.m. to 9 a.m.; 9 a.m. to 9.30 a.m., breakfast; 9.30 a.m. to 1.30 p.m.; 1.30 p.m. to 2 p.m., lunch; 2 p.m. to 4.30 p.m.; 6 p.m. to 7.30 p.m.: extra duty, 2½ hours: total, 10½ hours. Monday, 13 hours; Tuesday, 10½ hours; Wednesday, 11½ hours (relieving waitress); Thursday, 7 hours (half-holiday); Friday, 10½ hours; Saturday, 10½ hours: total, 63 hours: Sunday, 13½ hours: grand total, 76½ hours. Sunday: 7 a.m. to 9 a.m.; 9 a.m. to 9.30 a.m., breakfast; 9.30 a.m. to 1 p.m.; 1.30 p.m. to 2 p.m., dinner; 2 p.m. to 5.30 p.m., duty; 5.30 p.m. to 6 p.m., tea; 6 p.m. to 7 p.m.; 7 p.m. to 10 p.m.: total, 13½ hours. (Long Sunday: One week 71½, and next week, being a long Sunday, 76½.)

Mr. F. Carter, employed at "Glenalvon" as porter: Start at 5.15 a.m. and work till 8 p.m. and 10 p.m. alternately. Monday, 11½ hours; Tuesday, 13½ hours; Wednesday, 11½ hours; Thursday, 14 hours; Friday, 13½ hours; Saturday, 11½ hours: total, 75½ hours: Sunday, 11½ hours: grand total, 86.

Mr Charles Carman, employed at "Glenalvon" as waiter at £1 5s. per week: Start 6 a.m. to 9 a.m.; 9.30 a.m. to 12.45 p.m.; 1 p.m. to 3 p.m.; 5 p.m. to 8.30 p.m. Monday, 11¾ hours; Tuesday, 11¾ hours; Wednesday, 13¼ hours; Thursday, 13¼ hours; Friday, 11¾ hours; Saturday, 13¼ hours: total, 75 hours: Sunday, 11¾ hours: grand total, 86¾ hours. Neither half-holiday nor a Sunday off.

Miss E. Sutton, employed at "Glenalvon" as head housemaid at £1 per week: Start 6.30 a.m. to 5 p.m. (5 p.m. to 6 p.m. off); 6 p.m. till 10 p.m. and 8 p.m. alternately. Sunday: start at 7 a.m. to 5 p.m. (5 p.m. to 6 p.m. off); 6 p.m. ot 10 p.m. Half-holiday every second Sunday from 2 p.m. Monday, 16 hours; Tuesday, 14 hours; Wednesday, 16 hours; Thursday, 14 hours; Friday, 16 hours; Saturday, 14 hours: total, 90 hours: Sunday, 15 hours: grand total, 105 hours per week; and on the Sunday off the number of hours worked are 98.

I would like to say this place is in direct competition with houses like the Grand Hotel, and do a similar business. For instance, the Supreme Court Judges spoke of this place, and it is in direct competition with the Grand Hotel, Star Hotel, and Royal Hotel. The principal portion of their business is a publichouse business.

Mr. W. Smith, chef at Star Hotel, Albert Street (later of "Kingscourt"): Started daily at 7 a.m. to 2.30 p.m.; 4.30 p.m. to 8 p.m.—11 hours: total, 75 hours. Sunday: Start 7.30 a.m. to 2 p.m.; 4.30 p.m. to 8 p.m. Some weeks worked 75 hours and other weeks 72½ hours. Wages: Chef, £2 12s. 6d.; second, £2; third, £1 7s. 6d. Average to cook for, 70. Staff, 9 hands—4 housemaids (15s.), 3 waitresses (15s.), 1 pantrymaid (15s.), 1 porter (£1). Done two balls and no pay.

Mr. W. Knight, whilst at "Cargen": Start 7.30 a.m. to 3 p.m. (off till 4.30 p.m.); start 4.30 p.m., work till 8 p.m. —11 hours. The above hours were worked upon an easy day, but upon a heavy it was work from 7.30 a.m. till 8 p.m. without a break. Monday, 11 hours; Tuesday, 11 hours; Wednesday, 11 hours; Thursday, 11 hours; Friday, 11 hours; Saturday, 11 hours: total, 66 hours: Sunday, 7 hours: grand total, 73 hours for an easy week. Total of hours worked for a heavy week would be 83½, at the rate of 11½ hours per day. No half-holiday. 40 guests—7 of a staff and 3 of a family = 50. 2 housemaids, 2 pantrymen, 1 waiter, chef, and a youth 8s. per day.

I might state, however, in connection with this establishment, that they have just built an addition which will make it the largest boardinghouse establishment in New Zealand. I have here a cutting from the *Auckland Star* that there is another large boardinghouse establishment to be built in Auckland at a cost of £12,000. Two new residential hotels.

Mr. W. Knight, whilst at "Kingscourt": Start 7 a.m., work till 3 p.m. without a break; start again 4.30 p.m. and work till 8 p.m.: total for that day, 11½ hours. Monday, 11½ hours; Tuesday, 11½ hours; Wednesday, 11½ hours; Thursday, 11½ hours; Friday, 11½ hours; Saturday, 11½ hours: total, 69 hours: Sunday, 11½ hours: grand total, 80½ hours. One week's working-hours total 80½ hours. No half-holiday.

Miss M. Brown, employed at "Glanalvon" as housemaid-waitress, at the wage of 17s. 6d. per week: Start 6.45 a.m., on to 4 p.m. (off from 4 till 6.30 p.m.); 6.30 till 8 p.m., day on duty. Start 6.45 a.m., on to 10 p.m. Sunday: Start 7.15 a.m. to 1.45 p.m. (off from 2 p.m. till 6 p.m.); 6 p.m. to 7.30 p.m. three Sundays in the month. Off one Sunday in the month from the hour of 1.45 p.m. Monday, 10 hours; Tuesday, 10 hours; Wednesday, 10 hours; Thursday, 14½ hours; Friday, 10 hours; Saturday, 10 hours: total, 64½ hours: Sunday, 10½ hours: grand total, 75 hours worked on a Sunday on, and on a Sunday off 71 hours. Sundays on, from 7.15 a.m. to 10 p.m. without a break.

Miss Edith Flowers, whilst employed at "Cumarvo" as waitress at a wage of 17s. 6d. per week: Start 6 a.m. to 9 a.m.; 9.15 a.m. to 2 p.m., to 7 p.m.; 7.15 p.m. till 8 p.m. Monday, 13 hours; Tuesday, 13 hours; Wednesday, 13 hours; Thursday, 13 hours; Friday, 13 hours; Saturday, 13 hours: total, 78 hours: Sunday, 11 hours: grand total, 89 hours. 89 hours Sunday on, and 87 hours Sunday off.

Miss May McRorie and Miss Christie, employed at "Cargen" as waitress at £1 per week and pantrymaid at £1: Start 6.30 a.m. to 7.30 a.m. (breakfast); 8 a.m. to 12 noon (lunch); 12.30 p.m. to 1 p.m. (dressing); 1 p.m. to 2.30 p.m., 6 p.m. to 7.30 p.m.; 8.30 p.m. to 10 p.m.: total, 10 hours. Monday, 10 hours; Tuesday, 8½ hours; Wednesday, 8 hours; Thursday, 9½ hours; Friday, 8½ hours; Saturday, 8 hours: total, 52½ hours: Sunday, 7 hours: grand total 59½ hours. Sunday start 7.30. 2 waitresses, 1 pantrymaid, 3 housemaids, 1 porter, 1 pantryman, 2 cooks: total staff, 10.

Miss Isabel Adams, late of "Glenalvon," employed there three weeks as waitress at the wage of 17s. 6d. per week: Start 7 a.m. to 9.15 a.m.; 9.30 a.m. to 1 p.m.; 1 p.m. to 3 p.m.; 6 p.m. to 8 p.m.: total, 9 hours 45 minutes. Monday, 9¾ hours; Tuesday, 9¾ hours; Wednesday, 14¾ hours; Thursday, 9¾ hours; Friday, 9¾ hours; Saturday, 9¾ hours: total, 63½ hours: Sunday, 9¾ hours: grand total, 73¼ hours. Got one half-holiday on a Sunday from 2 p.m. once a month. Staff, 18.

Miss Amy Hill, whilst employed at "Glenalvon" as kitchenmaid at the wage of 10s. per week: Start 6.30 a.m. to 9 a.m.; 9.15 a.m. to 1.30 p.m.; 1.45 p.m. to 4 p.m. (4 p.m. to 5 p.m. off); 5 p.m. till 8.30 p.m. Sunday hours, 7 a.m. till 3 p.m. without a break; 4 p.m. to 7.30 p.m., excepting 15 minutes for each meal. Monday, 11¾ hours; Tuesday, 11¾ hours; Wednesday, 11¾ hours; Thursday, 11¾ hours; Friday, 11¾ hours; Saturday, 11¾ hours: total, 70½ hours: Sunday, 10½ hours: grand total, 81 hours.

Mr. E. J. Casby, employed at "Glenalvon" as kitchenman, at the wage of £1 5s. per week: Start 5 a.m. to 3 p.m. (off from 3 p.m. till 5 p.m.); 5 p.m. till 8 p.m. Every other Sunday off from 3 p.m. Monday, 13 hours; Tuesday, 13 hours; Wednesday, 13 hours; Thursday, 13 hours; Friday, 13 hours; Saturday, 13 hours; Sunday, 13 hours: total, 91 hours long week; short week, 87 hours.

Miss McFadden, employed at "Arundle": Start 7 a.m. to 9 p.m. or 9.30 p.m., nights on duty; start 7 a.m. to 8 p.m., nights off duty. No half-holiday. Monday (duty night), 13 hours; Tuesday, 11 hours; Wednesday, 11 hours; Thursday (duty night), 13 hours; Friday, 11 hours; Saturday, 11 hours; Sunday, 8 hours: total, 78 actual working-hours.

None of these people, except those employed at Stonehurst, were getting a holiday of any kind. After citing these cases to the Court (and, as I said before, these cases were very carefully prepared) I endeavoured to show to the Court that these establishments were in direct competition

with the licensed hotels. Notwithstanding that fact the Court refused to make an award, and this is His Honour's written judgment; and it has a direct bearing on this Bill:—

In the Court of Arbitration of New Zealand, Northern Industrail District.—In the matter of an industrial dispute between the Auckland Hotel and Restaurant Employees' Industrial Union of Workers and E. F. Black and others, employers.—Hearing, Auckland, 29th September and 4th October, 1911.

JUDGMENT OF THE COURT, DELIVERED BY SIM, J.

IN this case the union has selected fourteen out of a large number of boardinghouses in the City of Auckland, and has asked the Court to make an award in respect of them. The ground on which the application is based is that these fourteen houses are private hotels, and constitute, it is claimed, a separate and distinct class by themselves As pointed out in the Christchurch case (Book of Awards, Vol. x, p. 507), private hotels are only boardinghouses under another name, and it was laid down by the Court in that case that an award should only be made in connection with a particular class of boardinghouses, if it is established that the class can be clearly defined, and that it is necessary or desirable to make an award with regard to that particular class. It was asserted by Mr. Long, who represented the union, that the fourteen houses selected by the union formed a clearly defined class by themselves. He did not offer, however, any evidence in support of this assertion, and it might be treated as not having been proved.

In the case of the Rotorua boardinghouses (Book of Awards, Vol. xi, p. 149) the Court was able to make an award with respect to them, because they formed a special class by themselves. They catered for the tourist traffic, had a recognized tariff, and all carried on business in very similar conditions. It is difficult to believe that any such distinct class of boardinghouse can be found in a city like Auckland, and probably the reason why the union did not attempt even to prove the existence of such a class was the fact that it did not exist. The case must be treated, therefore, as governed by the decision in the Christchurch case, and the application for an award refused.

The evidence called by the union related almost entirely to the long hours of work in some of the houses in question, and it was urged that this constituted a ground for interference by the Court. This was the principal reason for making an award in the Rotorua case (Book of Awards, Vol. x, p. 149). Since, however, that award was made the Legislature has dealt, apparently, with the hours of work in private hotels by the Shops and Offices Act, 1910. We say apparently because, according to Mr. Long's statement, the Labour Department has been advised that the Act does not apply to private hotels. Mr. Long complains that although his union has disputed the soundness of this view, the Labour Department has refused to take proceedings to have the question determined by a Court of law.

Whatever be the right view of the question in dispute between the union and the Department, it is plain from recent legislation that Parliament has decided itself to regulate the hours of work in hotels, restaurants, oyster-saloons, and tea-rooms, it would not be proper now for this Court to attempt to deal with the subject. It is simply useless, therefore, to ask the Court to make any alteration in the hours of work in these places of business.

Mr. McCullough does not concur in this judgment. He has expressed his view in a separate memorandum.

Dated this 4th day of October, 1911. W. A. SIM, Judge.

MR. MCCULLOUGH'S DISSENT.

The present is not the first time the Court has refused to make an award for employees engaged in private hotels. On the first occasion the Court refused I recorded my dissent from that finding (Book of Awards, Vol. x, p. 50). I am still strongly of opinion that an award could be made, more particularly as the Government has not seen fit to put into operation the clause in the Shops and Offices Act, 1910, dealing with the hours worked by employees in private hotels. If this were done it would certainly remove the reproach that can now be made of sweating the employees engaged in private hotels.

It was shown in evidence, and not denied, that quite young girls were engaged on duty from seventy-five to ninety hours per week, with a half-holiday on only one day of the fortnight from 3 p.m., with wages as low as 10s. per week. The Court declines to provide working-conditions and the Legislature to regulate the hours. As the workers' representative on the Court, I therefore protest against the continuance of such a disgraceful state of affairs as is found to exist among the hundreds of young men and women engaged in the private hotels in the Dominion.

Now, sir, it has been stated here that matters of this kind should be left to the Court. The Court on this particular occasion lays it down emphatically that it declines to interfere in the question of holidays, or working-hours, or matters of that kind, because it has already been dealt with by the Legislature, and the Court has actually refused to do this. After the opinion expressed by His Honour Mr. Justice Sim I got into communication with the Labour Department and requested them to take action against the proprietress of the Glenalvon Private Hotel for employing their staff longer than the hours provided for in the Shops and Offices Amendment Act, 1910. The case was heard before Mr. F. V. Frazer, S.M., in Auckland, on the 30th January, 1912, and a written judgment was delivered by the Magistrate as follows, which is reported in the *Labour Journal*, No. 230, page 248:—

The defendant is charged, on the information of the Inspector of Factories, that "being the occupier of a shop within the meaning of the Shops and Offices Amendment Act, 1910—to wit, Glenalvon Private Hotel—she did fail to keep at all times a wages and time book as required by the said Act."

The following statement of facts was agreed on by counsel: (1.) The defendant is the proprietress of a large first-class boardinghouse in the City of Auckland, known as "Glenalvon." (2.) The said boardinghouse has a weekly and a daily tariff. (3.) The defendant does not cater for lodgers or customers who will remain in the house for less than two days, but occasionally a lodger may remain for less than two whole days. (4.) The defendant does not sell meals to persons who are not lodgers, but occasionally provides meals for guests of lodgers, in which case the meal supplied to the guest is charged to and paid for by the lodger. (5.) The defendant does not now, nor has she ever, kept a "wages and time book" as defined by the said Act.

It was contended on behalf of the informant that "Glenalvon" was a private hotel, and came within the definitions of restaurant and a shop under the Act, and that consequently the provisions relating to the keeping of a wages and time book were obligatory upon the defendant.

By section 2 of the Shops and Offices Amendment Act, 1910, the word "hotel" is defined as meaning "any premises in respect of which a publican's license is granted under the Licensing Act, 1908"; while the word "restaurant" means "any premises (other than a hotel) in which meals are provided and sold to the general public for consumption on the premises, and whether or not lodging is provided for hire for the accommodation of persons who desire to lodge therein, and includes a private hotel, a tea-room, and an oyster-saloon." Section 3 extends the definition of a "shop" so as to apply to hotels and restaurants as defined by section 2, and section 12 requires the occupier of every "shop" in which one or more assistants are employed to keep a "wages and time book."

It is first necessary to consider the effect of the concluding words of section 2—"and includes a private hotel, tea-room, and an oyster-saloon." The question was raised whether this part of the section was to read exclusively or inclusively. I have read the judgments of the Court of Appeal and of the Privy Council in Commissioner of Stamps *v.* Dilworth's Trustees (N.Z. L.R. xiv, 729; 1899 A.C. 99), and have come to the conclusion that it is to be read inclusively—that is, that the meaning of the word "restaurant" is not limited to the three classes of premises covered by the general words of the definition. That this is so is apparent when one considers that a tea-room and an oyster-saloon do not,

as a rule, supply meals, but only light refreshments of a particular kind, and therefore would not come within the meaning of the word "restaurant" as defined in section 2 unless specially included. Furthermore, the greater number of the premises which are commonly known as restaurants, in the ordinary sense of the term, would be outside the definition of a restaurant if the inclusive reading were correct. The meaning of the general words of the definition must be considered, and if an establishment of the description of "Glenalvon" does not come within their meaning it will be necessary to consider the exact meaning of the term "private hotel" as used in section 2. The admitted facts of the case are sufficiently clear to remove any difficulty in deciding whether or not "Glenalvon" comes within the meaning of the definition. The proprietress does not, to use the words of section 2, "provide and sell meals to the general public." Meals are provided for lodgers and their guests, but there is nothing in the nature of a restaurant trade. Casual lodgers who do not intend to remain for two days in the house are not catered for, and it cannot be contended that the provision of meals for lodgers and their guests is equivalent to providing meals for the general public—that is, for anybody who may wish to enter the house and ask for a meal. In any case the meals supplied to lodgers' guests are in point of fact sold to the lodgers, not to the guests themselves. I do not consider that the existence of a daily and a weekly tariff affects the position, such an arrangement being intended merely for simplifying the calculation of charges in the case of persons making a comparatively short stay, and also as a concession to those who wish to remain for a longer period. I am satisfied that "Glenalvon" is not a house of the class intended by the general words of the definition.

It remains now to determine what meaning is to be given to the term "private hotel." It has not yet been exhaustively defined by the Court. In the case of the Duke of Devonshire *v.* Simmons (39 Solicitors' Journal, 1894, p. 60), Stirling, J., speaks of a "private hotel" as a dwellinghouse for persons who wish to dwell there, but does not attempt a further definition. In New Zealand "private hotels" have been referred to by the Arbitration Court as "boardinghouses under another name" (Book of Awards, Vol. X, p. 508). In the judgment in which this passage occurs His Honour Mr. Justice Sim laid stress on the difficulty of classifying boarding establishments other than licensed hotels. In delivering the judgment of the Court in the Auckland private hotels dispute, on the 4th October, 1911, the same Judge reiterated his remarks made in the former case, and stated that the Court could not make an award unless it was shown that a distinct class of private hotels existed to which an award could be fairly applied.

Has the Legislature, then, attempted by the Act of 1910 to make a distinction between the different kinds of boarding establishments? When we find the terms "hotel" and "private hotel" contained in the same section of the Act, the former being defined as "any premises in respect of which a publican's license is granted under the Licensing Act, 1908," it would appear reasonable to assume that by the term "private hotel" is meant an establishment similar to a hotel, but without the privileges and obligations which attach to the holding of a license under the Licensing Act. There are to be found in most parts of New Zealand, particularly in no-license districts, numbers of establishments which answer to this description—that is, they receive all classes of the community and cater for the general public by supplying single meals and beds for a single night, and generally fulfil all the functions of a hotel apart from the sale of intoxicants. If this be not the meaning of "private hotel" for the purposes of the Shops and Offices Act, it is strange that that term should have been used in section 2 following on (and apparently in contrast to) "hotel"; for if the Legislature had intended to bring all boarding establishments within the scope of the Act some word of more general application—"boardinghouses," for instance—would have been chosen in preference to a term which is not usually applied to ordinary boardinghouses. Further, it is a sound principle of law that where words of general meaning are not interpreted we must look to the general purpose of the Act, which in this case is the regulation of shops—that is, places where "goods are kept or exposed or offered for sale." Now, the function of a house such as "Glenalvon" is the provision of a home, permanent or temporary, and the rendering of services for its boarders, while a private hotel of the former class carries on in addition to this a distinct restaurant trade in the ordinary sense of the term—that is, it is a place where something (a meal) is sold to any one who calls for and is prepared to pay for it. That constitutes a shop trade, and is accordingly within the meaning of the Shops and Offices Acts.

The judgments of Collins, M.R., and Mathews and Cozens-Hardy, L.JJ., in Simpson *v.* Ebbw Vale Steel, Iron, and Coal Company (1905, I.K.B., 453) are in point. Again, it is laid down in Maxwell on Statutes (4th ed., 1905, p. 491) that where two or more words susceptible of analogous meaning are coupled together the meaning to be attached to one is ascertainable by reference to the others—*noscuntur a sociis*. The general definition of a restaurant given in the Act is a place where meals are provided and sold to the general public, while a tea-room is ordinarily known as a place where light refreshments are provided and sold to the general public, and an oyster-saloon as a place where oysters and similar articles of diet are provided and sold to the general public. In these cases the cardinal feature common to all is the selling of meals or refreshments to the general public for consumption on the premises, and this is distinctly a shop trade. The meaning of the term "private hotel" in section 2, in my opinion, must be, by analogy, any premises in which a business similar to that of a licensed hotel (with the exception of the bar trade), including the provision and sale of meals and light refreshments to the general public for consumption on the premises, is carried on. To attach any other meaning would be to hold that every boardinghouse in which an assistant is employed is subject to the provisions of the Shops and Offices Acts. It is proper to assume that had this been the intention of the Legislature it would have been expressed in clear and unmistakable language. A statute which imposes a burden on any class of the community and provides for the imposition of a penalty in the event of non-compliance must do so in unequivocal terms.

I therefore hold that a boardinghouse such as "Glenalvon" is not a private hotel within the meaning of section 2. The information is accordingly dismissed, with £1 1s. costs to the defendant.

There was an appeal taken, and it was heard before Mr. Justice Edwards, and the appeal was dismissed without calling upon respondent in the case.

Shortly after this a case was taken by the Labour Department in Wanganui against Mr. McVicars, proprietor of a boardinghouse, and was dismissed by the Magistrate. An appeal was lodged, and the judgment of Mr. Justice Cooper, contained in the *Labour Journal*, Volume 234, page 599, is as follows. There was also another case in Wanganui. The Magistrates dismissed the case, and the appeal was heard before Mr. Justice Cooper. That case was even stronger than the "Glenalvon" case. The judgment in the McVicars case is as follows:—

This is an appeal from the decision of W. Kerr, Esq., Stipendiary Magistrate at Wanganui, dismissing an information by the appellant alleging that the respondent had in 1912 committed a breach of the Shops and Offices Amendment Act, 1910, by employing a Miss Lawrence for a longer period than fifty-two hours in one week. The Magistrate found the following facts: The defendant has a "private boardinghouse" in Nixon Street, Wanganui, at which he provides board and lodging. It was upon the hearing proved that the defendant did not go in for supplying meals to the public. He gave meals to visitors coming in with boarders at 1s. 6d. or 1s. per head; also that persons not being regular boarders or lodgers, or visitors to boarders, or known to the defendant, went to his boardinghouse for single meals on one or two occasions and paid 1s. to the waitress for each such meal, and the defendant admitted in Court that if the informant, who was neither a lodger nor a boarder at the said private boardinghouse, went in and asked for a meal at the proper time he would sell the informant a meal. During the week ending 24th February, 1912, he employed a female named Ida Lawrence for a longer period than fifty-two hours (excluding meal-time) in or about the premises of such private boardinghouse. As the Magistrate's finding "that the defendant did not go in for supplying meals to the public" was ambiguous, I referred the case on appeal back to him to explain this finding, and he has amplified it by stating that "it was upon the hearing proved that it did not form part of the ordinary business of the defendant to supply meals to the public, and that he did not hold himself out as an eating-house keeper where single meals could be got as of course." In the "Glenalvon" case recently decided in Auckland by Mr. Justice Edwards, His Honour held that a private boarding

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

not more than three assistants are employed, shall be entitled to a half-holiday from 2 o'clock in the afternoon of such working-day in each week as the occupier in the case of each assistant thinks fit." Also subsection (5), section 27: "Every assistant employed in or about a hotel or restaurant, other than assistants to whom the last preceding subsection applies, shall be entitled to a whole holiday of twenty-four hours, commencing at his usual hour for commencing work, on such day of the week as the occupier in the case of each assistant thinks fit." I shall content myself by making one or two brief remarks on these subsections. First, that subsection (4) does not show clearly enough that it is intended that bar-assistants, both male and female, should have a full Sunday off in addition to their half-day. We believe that it is the intention of the Minister that this should be so, and therefore draw his and your attention to this fact. We strongly object also to any exemption in the case of licensed hotelkeepers in regard to the full day off provided for in subsection (5) of section 27, and believe that, in view of the evidence given by the hotelkeepers' representatives, that they oppose any exemption of any kind, and further admitted by them that the hotelkeepers who could claim exemption under subsection (5) have stated emphatically that they do not desire it (see the evidence of Messrs. Norden and Payne, two representatives of the New Zealand Licensed Victuallers' Association). Now, I desire to draw your attention to the fact that several hotelkeepers have been giving the full day a week and over. For instance, at the United Service Hotel, Auckland, there are eleven servants employed, seven of whom work five days per week and the other four six days per week. This statement I can make on oath if necessary, for not only is it confirmed by the staff themselves, but I have further confirmed it at the request of the licensee by examining his books.

I would further draw your attention to the fact that Volume xiii, page 320, of the Book of Awards, which provides for a half-holiday for hotel workers, was considered by the Waiwera Hotel Company to be unworkable, inasmuch as the bulk of their business was week-end trippers, and therefore it was impossible that the servants could get a Sunday afternoon off. Acting on my suggestion, they wrote to the union, and a committee was set up to confer with the representatives of the owners, the result of which is published in Volume xiii, page 1015:—

"Agreement arrived at between the Auckland Hotel and Restaurant Employees' Industrial Union of Workers on the one hand, and the Waiwera Hotel Company (Limited) (in liquidation) on the other; the provisions of the agreement to be in substitution of clause 2, Award No. 2530, Vol. xiii, Part IV, Book of Awards. Clause 2 shall then read: 'As provided for in the Shops and Offices Act, and in lieu of the alternate Sunday half-holiday, a half-holiday shall be given on the day of the usual half-holiday, which shall then mean a full twenty-four hours off every alternate week. This alteration shall only apply to the summer season commencing 1st December and ending 30th April in each year during the currency of the present award.'"

In lieu of foregoing, the Sunday half-holiday provided under the award for a half-day every other Sunday; in lieu of that the Waiwera hotelkeepers agreed to give us in the week a half-holiday in addition to the ordinary weekly half-day. I may mention this particular fact: it has not been responsible in this case for any increase in the staff getting the full day off. It will be seen by the agreement that once a fortnight every servant had a full day off, half of which was the Sunday afternoon forfeited under the agreement and given as an addition to the weekly half-holiday. The hardship described by the hotelkeepers as the effect of giving the full day a week off is mostly imaginary, as provision is made in the most of our awards which will to a very large extent overcome the difficulties so graphically described. Clause 22 of the Auckland Hotel Employees' award (Vol. xi, p. 519) reads as follows: "All hotel employees shall have a half-holiday from the hour of 2 o'clock in the afternoon of some working-day in each week. On that day of the half-holiday as provided, or in cases of emergencies, an employer may require any worker in his employ to perform the work usually performed by the worker away on his or her holiday at the same rate of wages as is fixed for his or her own department." That is to say, if the housemaid is off it is competent for the employer to ask the waitress to assist in doing the housemaid's work. The whole staff would be working harmoniously together, doing the work of the servants who are off. Now, as regards the small hotels, the Arbitration Court has long realized that the proprietor of a small hotel is essentially a worker, as shown in the Auckland Hotel Workers' award, clause 16 (Awards, Vol. xi, p. 519), which reads as follows: "In computing the number of persons employed for the purpose of this award casual workers shall not be reckoned, and where an employer does the work of any worker affected by this award he or she shall be counted as an employee. Managers of dining-rooms to count as head waiter for the purpose of comparing the number of waiters in any one dining-room." So that the Court itself recognized that a man who was in business in a small way and had to do the work of a worker should be counted as an employee. For the purpose of making this clear a provision was made for a scale of wages for one, two, or three barmen, the same thing for cooks: that would make an alteration in the scale of wages paid, and he would be counted as a worker.

With regard to section 28, I might state that my people strongly oppose the aggregation of the half or whole holiday, as it strikes at the root of the six-day-week principle.

Section 21: I am at a loss to understand the meaning of this section, as surely any one who claims to have any knowledge of the working of awards will agree with me that, to say the least of it, it is an absurdity, inasmuch as it is an impossibility to make an award or industrial agreement for a longer period than three years, and this section makes provision for an impossible contingency that might arise after three years and four months. Now, what we desire is to amend this clause in the direction indicated by Mr. Carey, and would point out that my union have had to wait for the benefits of the Shops and Offices Amendment Act, 1910, which came into operation on the 3rd December of that year, until after the 15th August this year, 1913. We were the last of all the hotel workers in New Zealand to get the benefit of the amending Act of 1910; and we strongly urge this Committee to insert a clause which will give to the

workers in our industry the benefits of this proposed Act without having to wait any length of time for it. The females in my union have had to work sixty-five hours per week and the males sixty-five hours per week also until the 15th August, 1913.

The effect of the alteration-by-legislation clause, as shown by Mr. Carey, is of very serious import to the members of our federation, and strikes deeply at the root of the principles upon which the Conciliation and Arbitration Act were first founded, and are supposed to be still resting upon. Mr. Carey has pointed out the fact that if any slight alteration is made to the Act, immediately that that comes into operation we lose the benefits of the award that we have been working under, and continue to lose the benefits until after the term that the award was originally made for. If the Legislature decided to amend the Shops and Offices Act in any small direction—say, the half-holiday to take place from 1 o'clock (may or may not be asked for by our organization)—it might be possible that the union would be deprived of the benefits of the award for a period of two years and eleven months, because a Court provides that directly the Legislature interferes with a statute or an award, directly they do that the award ceases to exist; but if it ceased to exist altogether that would be all right. I might take this opportunity of stating that if the Legislature interferes with the award we have no objection at all to the award ceasing to exist, because it would be competent for us to approach the Arbitration Court and obtain a fresh award, but the Court now prevents our doing that by allowing the award to go out of existence. Was it not to do away with freedom of contract, which always carries with it the right of the employer to sweat his workers, that the Industrial Conciliation and Arbitration Act was first brought into existence?—a function which the President of the Court has refused to perform; and by thus inserting this alteration by legislation the clause takes away from the workers the continuation of the award as provided for in section 74 of the Industrial Conciliation and Arbitration Act, 1908. Mr. Carey having dealt at length with this matter, I will content myself by drawing your attention to the fact that the Court has altered the original clause, which now reads as follows: "The provisions of this award shall continue in force until any change is made by legislation in any of the conditions fixed by statute or by this award. On any such change being made all the foregoing provisions of this award shall cease to operate, and thereafter during the term of this award the following provisions shall be in force: Subject to any legislative provisions on the subject, the hours of work, wages, and other conditions of all workers coming within the scope of this award shall be fixed by agreement between each employer and the individual workers employed by him."

I just want to point out two cases that were taken by the Department in connection with the time and wages book, and to show you that if this clause is kept in it is going to open the door to a good deal of fraud. One was Mrs. Dingle, proprietress Hibernian Hotel, Onehunga, who was fined £30 and costs for falsifying the time and wages book, in an endeavour to beat the porter for 15s., covering three weeks at the rate of 5s. per week. It was done thus: she paid the porter £1 per week, and altered the "0" in the wages-book, in the shillings column, after the man had signed the book. The other case was that of Mr. Smith, Masonic Hotel, Tauranga, who altered the book, after the kitchenman had signed it, to show that he had received £1 10s. per week, whereas he only received £1 per week. It will thus be seen that if the signature of the assistant is to be taken as a certificate of the correctness of the entry it will prevent the detection of fraud of a similar nature to the cases already pointed out by me. I would like to point out to the Committee that in the past, neither under the Industrial Conciliation and Arbitration Act or under the Shops and Offices Act has there been any obligation on the part of the employer to allow the time and wages book to be examined by the worker; so that we welcome the innovation that the book has to be produced to the worker for the purpose of obtaining his or her signature, but we will oppose as strongly as possible the proposal that the signatures should operate as a certificate of the correctness of the entries, and would suggest to the Committee that it should obtain reports from the Inspectors of Awards as to the manner in which the time and wages books are kept in their several districts. I venture to say that the reports would show that numbers of employers have obtained from their staff their signatures for wages received, and subsequently made entries in their books as to the number of daily hours worked by the worker after having obtained the worker's signature.

I should like a new subsection here to provide for a time-sheet to be exhibited showing the manner in which the daily hours are worked. This is in operation in the whole of the Northern Industrial District under our awards, and is in every way successful, inasmuch as it shows the worker when he or she shall commence duty and when he shall leave off; or, on the other hand, it serves to prevent an unscrupulous worker from making an application for overtime payment unless the instruction for working overtime has previously been given by the employer. A copy of the time-sheet in operation in our district I shall place before the Committee, and strongly recommend that provision for its insertion in the Bill would be made. This is a form I have here, and it obtains not only in the City of Auckland but from the North Cape down to Poverty Bay. The object is to show that a worker should know when he or she shall go on duty and when they shall cease work. Employers agree that this is a protection to them There have been cases where an unscrupulous worker has made a claim upon an employer for overtime which he did not do, where he had a record of his time worked and the employer did not have a time-sheet, and he was thus at the mercy of the worker. With a proper time-sheet accurately kept the worker would know exactly when he is off work, and the employer would be freed from any unfair or unjust claim for overtime unless special instructions had been given to the worker. I can say that the hotelkeepers in our district find them very beneficial. We get these time-sheets printed and send them to any hotelkeeper who writes for them, free of cost.

1. *Mr. Davey.*] Have they not a book?—Yes, but this is a check on the book. I will now briefly summarize my evidence as follows: (1.) The first point made by me is the necessity for

adequate protection for the workers employed in private hotels and boardinghouses. (2.) The injustice of the proposal to extend the daily hours of employment. (3.) The justice of bringing all licensed hotels under subsections (4) and (5) of section 27, as shown by the hotelkeepers' evidence. (4.) The injustice of allowing the aggregation of the half or whole holiday. (5.) The absurdity of section 31, and a necessity for a provision for the Act coming into operation as soon as it receives the signature of His Excellency the Governor. (6.) The necessity for the recasting of section 4 for the purpose of preventing fraud. In conclusion, I desire to state that I am in entire agreement with the amendments suggested by Mr. Carey, and will conclude with thanking the Chairman and members of the Committee for their patience in listening to my lengthy evidence.

2. *The Chairman.*] Mr. Long, can you suggest some limits of time each day during which the hours of employment should be worked? Take the case of a night-porter?—In Auckland the night-porters' daily hours are between 9 p.m. and 9 a.m.

3. The effect of this Bill would be that that man would be expected to work any time—his ordinary daily or nightly hours could be spread over the twenty-four?—A reasonable limitation in the case of a night-porter would be that his actual hours from the time of commencing to ceasing work should not be more than twelve or thirteen. At the present time we find our people working from 6 in the morning to 10 and half past 10 and 11 at night. A barman goes on at 6 in the morning, he works all day, goes off in the afternoon, and is working again at night. It is only a matter of reorganization, so that a man is not on sixteen hours at a stretch.

4. You referred to the United Service Hotel in Auckland: they do not keep boarders, do they?—No.

5. From what I know of the hotel it is not a fair sample to select?—I selected it because there were seven of the hands getting two full days a week off and four hands getting one full day a week off.

6. Now, as to waitresses taking up the duties of the housemaids: do you think they would consent?—Yes, sir; it is done now. The housemaids relieve the waitresses and the waitresses relieve the housemaids.

7. *Mr. Glover.*] Mr. Long, regarding the remarks that you made in reference to Mrs. Dingle, of Onehunga, and Mr. Smith, of Tauranga, what is your opinion—of course, you have had a great deal of experience—so far as the majority of hotelkeepers in Auckland are concerned?—They are generally anxious to conform to the Act.

8. Have you had trouble with the hotelkeepers?—If I did have trouble I did not have it a second time. If we find that there is anything not in accordance with the award we point it out to them and give them an opportunity to rectify the matter, and if they fail to rectify it we institute proceedings against them; but we have never yet instituted proceedings against a hotelkeeper without first giving warning.

9. Have the hotelkeepers in Auckland absolutely carried out every instruction?—Not always.

10. In reference to hotels, boardinghouses, or restaurants where not more than three are employed, you do not intend it to apply to them?—As far as boardinghouses are concerned, the people who employ not more than three are exempt.

11. You do not want that?—No. We have been asked in connection with boardinghouses, where do you intend to draw the line? To show that we were anxious to protect a widow and her family it was our suggestion that there be a limitation of three.

12. I have had intimation from Auckland that it is not understood: they think it is applying to every small boardinghouse?—No.

13. Mr. Godber said he would be glad to see a clause in the Bill to compel every one?—No, we will be satisfied with the limitation.

14. I suppose the employers generally apply to you for a servant: if, now, you find that there is any malingering on the part of any of your people, you would stand by the employer?—Yes, certainly, we have done that in a number of cases. We have rules dealing with a worker who commits a misdemeanour, and in that case he is dealt with by the committee.

15. Is it a fact that a great many housemaids employed in the boardinghouses, in Rotorua especially, are brought down to act as waitresses?—Yes, and the housemaids are in the dining-room every meal-hour; in all the boardinghouses in Rotorua they all come in the dining-room at meal-time to assist.

16. One more question: It was admitted by several of the proprietors of hotels in the evidence given two years ago that the night-porter was one of the most responsible servants they had, inasmuch as he had, practically speaking, charge of the house; he had perhaps a key to the safe and handled the money. Do you think night-porters are paid wages commensurate with their duties?—No, I do not think so at all.

17. *Mr. J. Bollard.*] Mr. Long, you spoke of certain private hotels making their employees work very long hours—the "Glenalvon" and several others. Do these employees get any extra remuneration for these hours?—No; in fact, my evidence will show 15s. for a housemaid—a good deal less than the wages paid in licensed hotels.

18. You positively assert that?—Positively.

19. What proof have you of that?—The evidence given in the Arbitration Court and not refuted by employers.

20. Do you know if they get any longer holidays?—They do not get any holidays in a number of cases. It is a case of working the seven days a week, week after week and month after month, and no holiday.

21. In regard to what you stated about employees changing places, such as housemaids doing waitresses' work, is it a usual thing for barmaids to act as waitresses in the best hotels?—No, it is not.

22. But I suppose housemaids often act as barmaids?—They have until the Barmaids Registration Act came into operation.

23. *Mr. Hindmarsh.*] Does that state of things exist now in "Glenalvon"?—There has been no alteration.

24. *Mr. Veitch.*] As to taking signatures: subsection (2) of section 4 reads, "The entry of the particulars hereinbefore referred to shall be signed by the assistant at the time of the payment of his wages." You want everything after that cut out—"and such signature shall operate not only as a receipt for such payment but also as a certificate of the correctness of the particulars entered with respect to that assistant." Now, what you really want is this: that the signature shall be a receipt for the amount of money actually paid, and that the worker will have a claim (if a mistake is discovered subsequently) for the balance due him, just in the same way as an employer would claim a refund if too much had been paid. Now, such a provision as you are asking for would not operate against an honest employer; it could only operate against a dishonest employer?—That is so.

25. With regard to the number of hours, I may say I have been rather startled with some of the figures mentioned by you. You are asking for a limitation to the number of attendances?—No.

26. You are asking that it be made ten for males and nine for females. Are you asking for that—the limitation in number of attendances for intermittent services?—Well, if it could be done, yes, but it might be very difficult in application. We are anxious to see the Committee fix a reasonable limitation during which the daily hours of labour should be worked.

27. Is the union asking for any limitation of the total number of hours over which intermittent services would extend from first going on duty in the morning until last going off at night? I am asking the union if they are asking for any limitation over which the whole of the intermittent time would extend: for example, they might ask that no employee shall be off duty less than eight hours before coming on duty next day?—We do not offer the suggestion in that form, but we have asked for it in another form. I asked in my evidence that the daily hours of employment shall be within a limit of twelve or thirteen hours.

28. *Mr. Wilkinson.*] I understood Mr. Long to say that he did not object to clause 2, in which it provides that the Act does not apply to an owner who does not employ more than three persons in a boardinghouse. That has been objected to by some other witnesses. Would it be a fair thing to exclude such boardinghouses if the owner's family comprised a number of workers, say, four or five girls?—Mr. Carey in his evidence the other day was cross-examined on this point. I want to make this position clear: so far as we are concerned, we are not going to labour that point; we recognize that it has a certain amount of justice and also a certain amount of injustice. We are not going to prejudice the passage of our Bill by bringing up that.

29. It is hardly fair competition?—Yes, certainly, there may be instances where it is most unfair and sometimes not so unfair. The position is this, Mr. Wilkinson: a man and his wife and family may run a boardinghouse; that man may work at another occupation, and that would be most unfair. In the case of a widow, perhaps, with a family, the case is not so unfair.

30. You have not expressed an opinion about closing a hotel on the usual half-holiday?—The agitation for that had not commenced when the Committee started to take evidence on this Bill.

31. Would you care to express an opinion?—No, I would rather not.

32. In regard to clause 4, do not you think that the receipt given by the employee should be of some value?—It should be a receipt for money actually received.

33. I think that a substantial penalty might meet the case and prevent any undue tampering with the books?—There have been numbers of cases where the books have never been entered. A lawyer defended a hotelkeeper in Auckland, and this was his defence—the book was kept. It transpired it was kept in the safe, and there had never been an entry in it.

34. I did not catch what you said about the hours worked in "Glenalvon"?—Waiters, waitresses, and porters worked from eighty-six to over a hundred hours per week—I cannot remember exactly—it is in the matter I have read.

35. Have you any idea of the tariff charged by that establishment?—Ten shillings a day.

Mr. Wilkinson: I stayed there myself, and that is why I want to bring that out. They work their employees long hours and on low pay. I just want to tell the Committee the charges during Fleet week: Four of us stayed at this house for four days, and the bill was twenty-eight guineas.

36. *Mr. Okey.*] Do you not think we should encourage these employees to keep a book so that they could enter up their overtime?—Well, some employees have a system in operation where they have a pass-book, and each night the pass-books are handed in to the clerk and are entered up in the wages-book.

37. Under such a system as that there would be no fear of these things happening, such as alteration of figures?—Not if it was universal; not if the employer kept his book up to date and made his entries similarly to that of the pass-book of the worker. At the present time it is competent for an employer to show that a worker is only working ten hours when he may have worked seventy hours a week, and the employee has no opportunity of ascertaining what hours are put down in the wages-book.

38. Mr. McLean, who was giving evidence here the other day, said that he had a system in operation for several years?—He has got method in carrying on his business; he is one of the most methodical employers that I have ever come in contact with.

39. The evidence that you gave about long hours—is that going on at the present time?—Yes.

40. Do you not think that the Arbitration Court could do a good deal about this, Mr. Long?—Yes, they could. The Arbitration Court have got unlimited powers to deal with it, but decline to deal with it, and the Legislature cannot compel them to deal with it.

41. Parliament can say that they must do it?—Parliament has said many things to the Arbitration Court that that Court refuses to do.

42. *A Member.*] In regard to Parliament giving the Arbitration Court powers, you consider it would be better for Parliament to say what hours the people should work?—We consider it much better that Parliament should lay down a basis from which the Court may work.

43. The long hours that you mention, of course, would include meal-hours?—Oh, no; there is no system of meal-hours in these places. There is in one place, "Stonehurst," but in "Glenalvon" there is no system; some of the staff have their meals standing up in the pantry. People staying there expect plenty of attendance, and the staff have no time to have a comfortable meal; they are going continually.

44. *Mr. Carey.*] The evidence of these girls in the "Glenalvon" case was sworn on oath: was Mr. Grosvenor able to refute the evidence of the girls?—No.

45. And the Court accepted the evidence?—Yes, His Honour will have it in his own records.

46. It was the president of the New Zealand Licensed Victuallers' Association who suggested the keeping of time-sheets; it was really the employers in the first place who sought for the introduction of time-sheets?—Yes; it was not my idea at all at first.

47. If the time on the wall corresponded with the record in the book no worker could successfully claim having worked excess hours?—No, he could not.

48. It would be the employer's own supineness if he did?—Yes.

49. You would agree to an amendment on the following lines: "The maximum daily hours above provided shall be worked within thirteen consecutive hours reckoned from the time the employee goes on duty until the time the employee goes off duty"?—Yes.

50. *Mr. Grenfell.*] Mr. Long, you stated that Mr. Palmer was president of the Licensed Victuallers' Association?—He is not now.

51. Have you endeavoured to secure the use of time-sheets: did not you endeavour to do so in Wellington?—Yes, I believe so.

52. Did the local hotelkeepers accept your suggestion?—No.

53. That was refused, amongst other things?—Yes.

54. I think it would be well to make clear the time upon which the evidence was given before the Arbitration Court in the "Glenalvon" case?—29th September, 1911.

55. Can you say from your own knowledge that that condition of affairs exists at present?—Well, I know from some of our people who work in the same establishment that it is so.

56. *Mr. Anderson.*] Did their giving evidence affect them?—I do not think so.

57. Regarding the time-sheet, Mr. Long, would it not seriously hamper the country hotelkeeper if he had to state definitely the hours in which the employee was at work? Would it not be very hampering to the business of a hotelkeeper if required to keep employees employed only at stated hours of the day?—I agree with you that there are such cases, but my experience has been that they have endeavoured to labour that point.

58. In respect to housemaids relieving waitresses, would it not be an advantage to the housemaid to be able to learn a higher branch of the business by going into the dining-room?—Well, nearly all housemaids are experienced waitresses.

59. Do you know of your own knowledge that waitresses would be prepared to do the work of housemaids?—The probability is that a girl is competent to do both kinds of work.

60. Regarding clause 4, subsection (2), are you aware, Mr. Long, that some two or three years ago a man in Timaru sued an employer for £260 for wages for overtime?—No, I am not. I am not aware that it was competent for him to do so.

61. Are you aware of this: that at one time the president of the Wellington Waiters and Cooks' Union, after being dismissed, sued for £45 or £50 which he claimed for overtime due to him?—No.

62. In such cases would it not be a protection to the employer to get a receipt?—Yes, I have no objection to his getting a receipt.

63. Does not the worker know the wages that are due to him?—They are not always as conversant with these things as they ought to be. Numbers of them have been working around country hotels, and this is something new to them.

64. Would they not be aware, Mr. Long, of the contract they made with their employer?—The employer often takes it for granted that the worker knows the arrangement. The award is the contract as betwixt the union and the employer.

65. If you are seeking employment you make arrangements with your employer as to what you are to receive?—No, I say the contract has already been made.

66. Awards do not prevail all over New Zealand, Mr. Long?—They do in my district. This is a Bill that will apply generally to New Zealand. There may be an odd case—emigrants, for instance—they do not know about these matters, and it is not reasonable to expect them to know. Here is the position so far as my union is concerned: All labour is employed from our office, so that a girl who is a stranger to the country is made conversant with it prior to leaving our office. They are members of the union; they join because if they want employment they have to come to our office for it; they are given a copy of the award, and it is explained to them.

67. Is it not reasonable that a receipt be given which will be a discharge to the employer?—I want to see a receipt given for the money that is actually received, not for money that a man is still entitled to.

68. Mr. Long, would your union be prepared to accept the clause as it is printed if the provision were made for the time-sheet to which you refer?—Well, it would help. Yes, I would be prepared to agree to it; at the same time it does not make the position as clear as I want it.

69. *The Chairman.*] You heard Mr. Brown's evidence the other day; you remember that he stated that he gave his servants a good deal of time off?—Well, you see the position is this, Mr. Chairman: Mr. Brown has a large business and he employs a large staff; he is only one instance of the boardinghouse people in Auckland who gives his staff a weekly half-holiday. I must admit that Mr. Brown has tried to be fair in that respect.

70. I wanted to make that point clear, as I thought you included Mr. Brown among the sweaters. You recognize that he gives all the time off he can?—I recognize that he gives some concessions, whereas some give none.

Witness here stated that he would like to put in a petition.

The Chairman: That should be put through the House.

Witness: I want to ask the Committee to compare the signatures on the front page of our petition with the signatures handed in by the proprietress of the Hotel Bristol.

Mr. Massey: I think the Committee might accept it.

Witness: There are eleven hundred signatures there.

Hon. J. BARR, M.L.C., examined. (No. 44A.)

Witness: I am secretary of the Canterbury Hotel and Restaurant Employees' Union. I will endeavour to be brief in what I have to say, and I can do so best by saying this morning that I have read the evidence of Mr. Carey and the evidence given by Mr. Long, and as far as it affects the Bill before you, and as far as it concerns the hours of work in private hotels and boarding-houses, the evidence submitted by Mr. Long this morning can be borne out by me. I would like to point out that the class of workers that I represent and that it is intended to deal with under this Bill are the only workers who are asked to work 365 days in the year. Now, I do not think it often strikes people that here in this country the general public do ask employees in hotels to work 365 days. There is no such thing as one day of rest in the seven, neither is there any stipulation in any award, nor is it set forth in this particular Bill, that there should be any provision for holidays for those workers, whereas for other shop-assistants that are provided for under this Act holidays are provided for them. I want to draw attention to that fact, Mr. Chairman, to show that it is a fair claim that we have been making this number of years for one complete day in seven. Now, I might refer to a matter that was dealt with by Mr. Long, a matter that I had some experience with in Christchurch. He dealt with the fact that in the matter of private hotels the Judge had refused to give an award. There was some little confusion, I have not the slightest doubt, in the minds of some people relative to this matter so far as it affected Auckland, as numbers were under the impression that it only affected boardinghouses —that is to say, those large places that charge the moderate fees (as submitted by one member) of £28 for four days. But in Christchurch and in Wellington I am aware they do supply meals to those not residing on the premises. In Christchurch I approached the Court and asked for an award. The Judge refused it, but he said, "Mr. Barr, if you come before the Court and show us that you have drawn a line, then we will be prepared to consider the matter next time." The Court came to Christchurch and I submitted eleven private hotels, and I showed that in each of these private hotels meals were provided for those who did not reside on the premises. The Judge threw the case out, even although it was pointed out by the workers' representative in the Court that I had done what the Judge asked me to do. In this particular industry—in this branch of what we may term the hotel industry—we have the Judge absolutely refusing any conditions. That is the position. It is a matter that ought to be dealt with by the Arbitration Court, but the Arbitration Court has absolutely refused to deal with the matter in Christchurch, and, as pointed out by Mr. Long, has absolutely refused to deal with it in Auckland, Now, another matter that I would like to mention just before dealing with the Bill: that I regret exceedingly, as an individual and as representative of the hotel employees, that there is no provision yet in this Bill dealing with clubs, where to my knowledge they work till 2 o'clock in the morning. Under the present Act the Arbitration Court holds that the clubs do not come under the Act because they are not being carried on for remunerative gain. That is so directly —indirectly we know they are. Furthermore, we submit that no matter what the place is where they employ workers there should be some provision for those workers, and it is a great shame on the patrons of those clubs that they keep their workers till 12 and 2 in the morning. I may say there was a slight agitation in Christchurch in connection with a working-men's club (an odd name for a club that sweats its workers). The result was, however, that the wages of the employees were raised and the conditions bettered. Now, one more matter—the request signed by employees. I understood that a request, or some form or another, was sent up here from Christchurch signed by employees employed in such places as the Federal Hotel and the Palace Hotel. I was not aware that this was being done until the matter was nearly through; it was stopped then. But here is the position: the employees were told to sign this or leave. They did not know the contents of it.

1. *Hon. Mr. Massey.*] Referring to any particular hotel?—Yes, sir. The matter was brought before me by the chef at the Palace Hotel in Christchurch. He was asked to sign it and said, "I cannot sign this." "Well," was the reply, "we will have to part company," so he left the job and reported the matter to me. I went down, interviewed the proprietor, and said that this was hardly fair. The proprietor—or manager, to be correct, as it is a Salvation Army establishment—professed that he was not against the six-day-week proposal, and quoted the Wellington branch, where the system was in operation, and confessed to not having clearly understood the contents of the requisition. This petition should have no force. A number of those who signed it were new in the country, they knew nothing about conditions, nothing about a Bill before

the House, nothing about the country. Some people pointed out to them that this Bill increased their working-hours, and, though I am sorry to say this is right in one part, there was no mention of the full meaning of the Bill, which is to give one day in seven. Now as to the Bill itself, sir: in clause 1 April is too long; the 1st January, I think, is a reasonable date for the Bill to come into force. Still, that has been dealt with by other speakers, and I do not intend enlarging on that matter. In regard to clause 2, here, under the definition of "hotel," a private boarding-house is included—that is desirable, very desirable. I want particular note taken of this point. So far as private boardinghouses are concerned, I believe that it is absolutely essential to have some limitation to the number of hands employed. There must be something like that—either two or three. I do say that this provision should not apply to anything that may be deemed a private hotel or licensed hotel. Then we have the resurrection of the widow, and we know that some people keep boarders (perhaps widows), and they may be forced to keep a girl. Really *bona fide* widows should be given every consideration, and this, I believe, is the proper place to draw the line; but so far as the hotels are concerned, I do not see any justification, for they are out on a commercial business pure and simple. I may as well deal with a matter that comes under section 2—the interpretation clause, under the heading "Office." You will here note that any clerk employed in a shop does not come under the Shops and Offices Act. Now, under section 26, subsection (2), the clerk is provided for, and it is provided there that the clerk is not to come under the provisions of this Bill—that is to say, that you have an employee who under no consideration is to be provided for. That is the complaint I have to make here: that there is no justification for stating this matter in section 26, subsection (2). Under this Bill you eliminate this class of clerk by every possible means from any beneficial legislation. There seems to be something against the clerk. We want that subsection struck out altogether. We can deal with the engineers ourselves through his own union, but the clerk, there is no provision for him; he can be worked all the hours that God sends. We do not want that; it is not right. In regard to workers in offices, there are so many restrictions, there are so many protections for the employer that the Act at the present time is no use at all to the employee. Clause 4 has been dealt with by Mr. Long. There is one point here that I may in fairness to the employer state is going to make it very awkward. Section (*b*) of clause 4 says, "the kind of work on which he is from time to time employed." We have men in Christchurch acting at one time in the course of a day as a printer, another time as a waiter, another time as a porter—you cannot deal with that man under this. You would have to fill out what he was employed at from time to time. What is wanted is the word "substantially." In regard to the condition here, "The entry of the particulars hereinbefore referred to shall be signed by the assistant at the time of the payment of his wages," that is where the employee signs the wages-book. I may say that this is a usual thing in Christchurch at the present moment. There is no objection raised to it in Christchurch, but this goes too far. We suggest that they stop at "payment"—that is to say, that the signature shall be a receipt for the payment of the money, and that the following words be deleted—"but also as a certificate of the correctness of the particulars entered with respect to that assistant"—because my experience has been that many girls are flustered and will sign anything, particularly in a new place. The first week or two they will sign anything at all. We have lost cases in Court where we knew that they were not getting the wages due, but they had signed the book. I admit it is absolutely essential that there should be a receipt for the money received. With regard to the time-table, I may say that in Christchurch we do not work under an award at all. We are working under an industrial agreement come to by the parties, and it has never been submitted to the Court other than once. Judge Sim then said, "I will make this award, but I do not think we will make this preference clause into an award," and the thing was withdrawn. Now, this is what we have under an industrial agreement: Clause 2—"A time-table showing the hours of work of each employee shall be exhibited in the staff's dining-room, or such place or places as shall be convenient to the employee and accessible at all times.' We have that in Christchurch; it works to the benefit of the employer and to the benefit of the employee. There is the time-table: he works to that time and there is no trouble. If he works overtime he submits his statement. We have trouble where hotelkeepers forget to put up a time-sheet, but when it is pointed out to them—when their attention is drawn to it—they recognize it is beneficial to all parties, and conform to the provisions of the agreement. I would suggest that this would be a very useful thing to put into this Bill—useful for the members of the Labour Department when they have to go into a complaint as to hours worked, and if the employer is running on business lines he should have no objection. Clause 21 says, "Ordinary wages or salary of every shop-assistant shall be paid for the weekly half-holiday and for any public holiday." Under this Bill you intend the whole holiday. I would suggest putting in the words "a whole holiday," so that there would be no slip made that a man is getting a whole holiday and is not paid for it. There is a point in this as to what constitutes the wages they are being paid when off on holiday. Our people are being paid 15s., 17s. 6d., and £1 and over, inclusive of meals, but employers who feel a bit sore on this matter sometimes say they will put them out on this holiday and they can get their meals where they like; therefore it should be put in that meals or the equivalent are included. In referring to the clauses that deal particularly with this industry that Mr Carey, Mr. Long, and myself are connected with as secretaries, I have already dealt with subsection (2) of section 26, and expressed the opinion that it should be eliminated. In dealing with main clauses which affect this particular industry, I endorse what has been said by previous speakers relative to the proposed increase of hours. There should be no attempt in this country under any considerations to increase hours. You can have a whole holiday, and you want them then to work their sixty-two hours within six days. It is not fair, and I submit to the Committee that they should consider, at any rate, the cutting-out of the two in sixty-two, making sixty. Cutting the six out of fifty-

eight making it fifty-two—I do not favour that, as I think it makes the hours too long; but I know in a matter like this we have got to compromise, and really in a lot of cases we would be reverting to what existed prior to the 1910 Bill. In the 1910 Bill you increased the hours in restaurants from sixty to sixty-two, and this would only be a reversal, and fifty-two would only be what females are obtaining at the present moment in private hotels and restaurants. We are asking really what is in existence at the present moment, and what was in existence two or three years ago relative to the sixty. I submit this as a compromise as against what is our belief—fifty-six for men and fifty for women. If that was done there would be no occasion for putting in this eleven, and so increasing the daily hours. There is another little point that I would submit to members of this Committee—that is that in subclause (3) of section 27 you set down that if overtime is worked they shall be paid the sum of 9d. per hour. Now, that seems a terrible sum—an awfully heavy sum compared with the sum quoted by one member to-day as charged by hotel employers in Christchurch—9d. per hour overtime!

2. *Mr. Veitch.*] "Being not less than ninepence"?—Oh, we know that means "not more." Take this into consideration: when they are working overtime they have to hustle for all they are worth for that period.

3. *Mr. Massey.*] You are not reading that clause correctly?—Please point out my incorrectness.

4. The clause reads, "Every assistant employed during such extended hours shall, at the first regular pay-day thereafter, be paid for such employment half as much again as the ordinary rate of wages, or the sum of ninepence per hour, whichever is the greater"?—Quite correct; but take the large mass of these employees—they get less than £1 10s. a week of sixty-two hours, women fifty-eight and fifty-two in restaurants, which are six-day hours—often not more than £1 5s. Women are considered well paid at £1 5s. a week. A considerable number are paid 15s. per week. You see that figure does not give them any more than the 9d., so that I would suggest a reasonable minimum is 1s.; and surely none of us would think of refusing 1s. for charity, and here is honest work on a hustling, bustling day. They have to work for it where overtime has to be worked. I want to endorse the statement made relative to the hour for the half-holiday. It would be made by Mr. Long, I think, and I believe I read it in Mr. Carey's evidence—should have been 1 o'clock. There was an excuse a long time ago, when this came into existence first, that the meal-times——I see that Mr. Chairman is thinking it is meal-time now.

The Chairman: Yes, the time is up.

TUESDAY, 9TH SEPTEMBER, 1913.

Hon. J. BARR, M.L.C., further examined. (No. 44B.)

1. *The Chairman.*] When we adjourned last Friday Mr. Barr was just finishing his address?—Yes, I was dealing with clause 27, if I remember rightly, and I had referred to the desirability of substituting 1 o'clock for 2 o'clock here, as this referred principally to barmen—subsection (4) of section 27. At the present moment 2 o'clock is the time, and we know perfectly well, we who are interested in this matter and who are coming in contact with it daily, that when the individual stops at 2 o'clock, by the time he gets home and gets squared up it is 3 o'clock, and this curtails his half-holiday very considerably. It is not a half-holiday really—it is a little time in the evening that he gets. We would suggest that it would entail no hardship to order that the half-holiday should commence at 1 o'clock. I may say here that there are a number of employers who treat their barmen in a fair manner and who at present do grant the 1 o'clock provision. Now I would like to refer to this whole question of the one holiday. I want to put this on evidence: that there has been for two years a hotel in Christchurch that has given to some of the employees a whole holiday every fortnight. The Clarendon Hotel in Christchurch for a matter of two years—it might be more, but we will say two years—agreed with their employees in the dining-room that instead of giving the half-holiday they would give a whole holiday every second week. I was perfectly well aware that this was contrary to the Act, but as it suited the employees and suited the employer, so far as I was concerned I took no notice of it. A time, however, arrived when one of the employees fell out with both his fellow-employees and the boss, and he reported the matter to the Factory Inspector, and the Inspector could not do otherwise than to stop the practice. I give this illustration to show that the whole holiday can be worked if the employers are willing that it should be worked. Furthermore, as you may be aware, in the 1910 Act there was a provision put in, which was principally for the Canterbury employers—that provision was to enable the employers six times in the year to dispense with the half-holiday, provided that on the following week they would give a full holiday. This has been taken advantage of universally by the Christchurch employers. I favoured that at the time the Bill was before this Committee. I believe I gave evidence in the matter, as it was very awkward during race weeks to get a sufficiency of employees. This was conceded and recognized by the Committee, and the clause put in, and, as I have said, employers take advantage of that provision at the present moment: they dispense with the half-holiday and they give their employees the full holiday on the following week, and there has been no trouble in connection with it. I mention that to show that if the employers desire a little alteration in their organization there is very little difficulty in giving what is asked. Not only am I referring to such hotels as the Clarendon, but to all hotels in Christchurch, because we know that at certain periods the Christchurch hotels are without exception filled to the doors—in fact, so full are they in certain cases and on certain occasions—at show times, for instance—that they have sometimes to get outside lodgings for their employees and give the bedrooms to the guests. Still dealing with

subsection (4), I would suggest that in the first line of that section you cut out the word "exclusively" and put in the word "substantially." I will not refer to that any further, as it has been dealt with by the last speakers. It is going to be very awkward if you make it "exclusively," but if "substantially'" is put in it will, I think, be satisfactory to all parties. Now, in this other matter of "not more than three assistants," there is an exception made to any hotel or restaurant in which not more than three assistants are employed—they shall be entitled to a half-holiday. I object on behalf of my people to this exception of "any hotel or restaurant in which not more than three assistants are employed," and I would suggest that these words be deleted and that there be no exception to any hotel or private hotel; but I want it clearly understood that I do not include boardinghouses, in that we know that there must be some line drawn in connection with the boardinghouses so as to save those widow women that we hear so much about who take in boarders to supplement their earnings, or as the sole source of income. I am prepared to make a compromise or a suggestion in connection with small hotels. I would suggest that a provision be made to subsection (5) to provide for hotels having not more than two employees giving two half-holidays in one week in place of one whole holiday, leaving it optional with them to adopt either course. If they found it was more convenient to give the whole holiday they could do so; if they found it was not so convenient, then in that one week they must give two half-holidays. That principle is recognized in the English Act. I mention that in a spirit of compromise, as we know that the employers have certain difficulties to contend with, and we do not wish to handicap or put any unnecessary hardship on them; at the same time we consider that no employee should have to work more than six days in any one week. I would like to say that I agree with one gentleman who gave evidence that clause 28 should be deleted—that is the clause that deals with the accumulation of holidays. It is not taken advantage of to any great extent, and it has been a clause that has caused some little friction in Christchurch. Employers have entered into an agreement or merely told their employees, "We will let your holidays accumulate," and they were averse to giving the holiday when it came to time, but wanted to pay. We have had some little friction, but we have always prevented it going to the Court. At the same time—the Factory Inspector in Christchurch will bear me out—we have had trouble in this matter. It would be more satisfactory if the whole clause was deleted. If it is not deleted we would have to take note of the accumulated holidays in the half-holiday book or whole-holiday book that the employees are forced to sign. In the meantime no provision is made for noting accumulated holidays in the holiday-book. There is another matter: there is one clause here where the employer is enabled to dispense with the half-holiday or whole holiday six times in the year for race times, and which applies principally to Christchurch and not so much to other centres. You have here under your proposed new Act a provision that two half-holidays will be given on the subsequent week, and two full holidays in lieu of one will be given the following week. There is no doubt there is going to be trouble here—trouble for the employer—and there ought to be a way out. True, this is only for six times in the year. We are against any system of payment for holidays, but to every rule there is an exception, and this case I believe it would sweeten the working of the Act if a provision was made to the effect that to those who are entitled to receive the full holiday on the week that they did not get it, if it were suitable to both parties, they could receive payment for it as set forth in subsection (3) of section 27, which means that they would get overtime rates—would be paid at time-and-a-half rates, or 1s. per hour, whichever is the greater. I believe that it would be acceptable to employers and acceptable to employees. We have to recognize that the next week the employee would have to get the full holiday all the same, and this provision would be in lieu of two holidays. I believe that suggestion is one that would remove a certain difficulty. Regarding section 30, I have already dealt with that part referring to accumulated holidays, but subsection (2) of section 30, it has been suggested that the whole subsection be deleted, and I believe that the simplest plan would be to delete it; but I recognize this: that while in subsection (1) of section 30 it makes it imperative on the individual to sign the book, you have nothing to force him to sign the book—there is no penalty—so that it would be found almost imperative to make some penalty. I suggest that you delete the words "or who signs any incorrect record," for this reason: that we have many employees, particularly females, who do not examine what they are signing; who are too flustered, particularly when employed at first, and they will sign anything. The thing may be incorrect and they have signed it unknowingly.

2. Do you not think they should look to see the entry is correct before they do sign?—The trouble is here: you have young girls and you have men who have been "on the rocks" for a while; they get this job, and the boss asks them to come up and sign: they will sign anything. Of course, it is quite right that they should see what they are signing, but they do not always do so. We have had cases before the Court where employees (and they have been illustrated to you) have signed certain things and they were filled in afterwards; but he has no witness, so when it comes to a Court of law it is his word against the employer's, and the employee's word in nine cases out of ten is not in a Court of law of the same value as the employer's.

3. *A Member.*] Not when his signature is in the book?—Now, here we are going to penalize them if they sign an incorrect record. It may be made incorrect after they have signed it, and there is no proof to show that. I would suggest that if it is decided to retain subsection (2) the words I have referred to, "or who signs any incorrect record," be deleted, or make it imperative that a third party be present who must not be interested as an employer or owner. I submit that it should be imperative in connection with any of these sections where a fine is imposed that a large notice detailing the section and the penalty be posted in a conspicuous place accessible to the employees at all times, and, in addition to that, in any book where a penalty is attached it be made imperative that a heading should be placed on every page showing the penalty that is attached. I think that is a just proposition.

4. *Mr. Hindmarsh.*] Line 35, page 16, the word "fixed"—"in each week fixed for the half or whole holiday"—the word "fixed" ought to come out, ought it not? You see the boss can fix the holiday any time he likes; that looks as if it was fixed beforehand?—I do not think there is very much in that. We would like to see it this way: that it is fixed weekly.

5. There is nothing in the Act like that?—We want it in the Act, and we think this clause ought to be amended in this direction. At the present moment the employee may think his holiday will be on Tuesday and he may have made arrangements accordingly; at the last moment the employer comes along and tells him he is to have another day. There should be some provision whereby the employer must fix it. It ought to be provided for. He can change it at any moment; there is nothing to prevent that.

6. It looks as if there is some way in which it was to be fixed?—Well, I hope attention will be drawn to that. In regard to section 31: I presume that will be altered. I cannot understand 31 at all; I do not understand what section 31 means. I presume that you will put it in like clause 11 of the 1910 Amendment.

7. Mr. Chairman, I think we should have that Act here before us?—Taking into consideration that you are making the Act to come into force in 1914, which would not affect anything at all, the thing is unmeaning. There is another matter I would like to draw attention to. It is not contained anywhere, and that is my trouble. Clause 37 deals with the sanitation of shops and offices. Now, I have had during the last four or five years a number of complaints from employees in hotels about the unsuitability and insanitary conditions of sleeping-accommodation. The Factory Inspector can do nothing with it. One case I have in mind just at the moment. There is one hotel where the male employees sleep in an outhouse with a public urinal up against the back of it, and the smell permeates all the bedrooms. Some of them rather than sleep there have taken lodgings elsewhere. Time and again employees have taken a job and when they found out about the sleeping-accommodation left at the week's end. We could not do anything; the Health Officer, so far as he was concerned, could not condemn the thing—at any rate, he did not condemn it, although none could be got to sleep there. We submit that, seeing you are making them shop-assistants, and providing provision for sanitary accommodation, and provision for air-space, surely it is reasonable to ask that provision should be made for sleeping-accommodation. I do not suggest what provision, as I know you have other Acts dealing with that, and those in charge of the Bill—the Government—can very well add these provisions relative to sleeping-accommodation which will be in the interests of the employees and of the general public. I would like that that be taken into consideration, because it has been a source of considerable annoyance and hardship. I would, however, like it clearly understood that it is not the rule that bad accommodation is supplied to employees; it is not the rule, but unfortunately there are a number of exceptions.

8. *The Chairman.*] Do you not think it is a case for the municipal authorities?—You provide for sanitation for the shops, you provide in other industries that certain sleeping-accommodation shall be provided: it is a fair thing to ask that those employees, who are often put into an outhouse or a detached building, that the accommodation of that building should be sanitary from every point of view, both as regards air-space and as regards the nature of the buildings and of its surroundings.

9. Do you not think, in dealing with the question of signing the record, that you would get over the alleged dishonesty on the part of the employer if you had the amount stated in words instead of in figures?—I would not like to say that you would get over the difficulty thus, but it would minimize the evil and it would be a valuable addition.

10. I do not like this idea that all employers are capable of fraud. I do not think the employers generally want to play tricks like that on the employees, and I think in these days of free secondary education there is no reason to nurse people, and surely it is a reasonable thing that they should be expected to see what they are signing, and there is no reason why they should not have a fellow-employee to witness their signature?—There is no provision for that.

11. *Mr. Carey.*] This section 29 is not a new section, as indicated by the line?—No.

12. Then it goes back to the old section of the Bill which permits the holiday being lost and given the next week or during the rest of the week. In Christchurch it is working very satisfactorily?—Oh, yes.

13. It has prevented the preceding section being availed of—the fact of section 29 allowing hotelkeepers in Christchurch to miss the holiday in that week has prevented them taking advantage of the accumulated-holiday section?—Very few have taken advantage of the accumulated-holiday section.

14. That section that you suggested, notwithstanding the section of the old Act, that would still mean that the Arbitration Court could, before this Bill came into operation, make an award. An award could be made between now and April, 1914, and this award would carry on for three years, and the union covered by this award would be denied the benefits of the Bill?—That is so, and we would have to safeguard that, for this reason: that employers who wanted to defeat the provisions of this award might bring the employees before the Conciliation Council by way of dispute and force the hand of the unions. That might be done, and it is always best for us to make sure of our ground, and it might be wise to make provision for that.

15. There is seven months of an interim in which an Arbitration Court could make an award?—Yes.

16. *Mr. Glover.*] There is one question in connection with what Mr. Carey has said: what award is in force at the present time?—The Canterbury agreement is now in force, and goes out about April. It does not affect me. The Wellington people have no award; at the present moment the Auckland award does not exist. Should this Act come into force, say, in six weeks'

time, the Wellington people and the Auckland people could force the hand of the workers, bringing them before the Court, and conditions could then be entered into and an award made before this Act came into force.

17. Clause 31 says, "Notwithstanding anything in this Act any award of the Court of Arbitration relating to hotels or restaurants in force on the third day of December, nineteen hundred and ten (being the date of the commencement of the Shops and Offices Amendment Act, 1910), and in force on the commencement of this Act, shall continue in force for the period for which is was made as if this Act had not been passed"?—That clause is no good.

18. You say you are not working under an award in Christchurch: what are they doing in Dunedin?—There is an award in Timaru. The award in Timaru was not in force on that date—1910.

19. *Mr. Clark.*] It was in force before that—on the 3rd day when the Act came into operation?—I cannot understand clause 31 at all; I would suggest that the whole thing be cut out.

20. *Mr. Grenfell.*] Do you believe in the principle of an award in existence being modified upon the legislation coming into force? We will say it is based upon the existing legislation in regard to working-conditions. The Act of 1910 provided for certain working-hours, and these are proposed to be interfered with by this Bill, are they not?—Yes.

21. Would this be a solution: that a clause be inserted in the Bill that upon legislation coming into operation affecting that award that that award shall cease to operate?—The whole award? No. If you had been reasonable and rational from my point of view I might have agreed with you, and if you had referred only to those provisions which the Act dealt with, but you are going to make it something that comes in and deals with one thing—you are going to make it act on twenty.

22. Do you recognize that the granting of a whole holiday will require an increase in the staff of hotels?—Not everywhere.

23. That it will affect the rates of wages to be paid to several workers?—In what way?

24. You are aware that the Court has established a method of providing for the scale of wages according to the number of hands employed, where three or more are employed: now, the increase in hands would mean an increase in wages?—Not necessarily.

25. Supposing the hotelkeepers only see that way for making provision for the whole holiday?—But they do not.

26. It has been suggested that the only method they have of providing for the whole holiday is by increasing the number of hands. That would mean a proportionate increase in the wages of the other assistants?—I think not necessarily. Last year employers in Christchurch—some employers—thought they would prepare themselves if the Bill went through, and this is what they did: they had a scheme whereby one extra employee was engaged—where there was a staff of twenty or thirty one extra hand was engaged, and he was to be a general hand. It was put in hand in one place. A man is a printer, he is a waiter, he relieves in the bar, he relieves the hall-porter, or any other porter who is off for his holiday—he is practically a general factotum. So far as Christchurch was concerned that can be done. If the union was agreeable, and the union was agreeable (seeing that we are working under an agreement, one more hand would be put on; he would be given a special wage, and entitled to be employed in any capacity. There is no award in Wellington, as you know, nor any in Auckland, so that there is a way out. Employers themselves, as just now instanced, recognize a way out without adding to a staff and without increasing the wages of five or six employees. If the man is relieving it is immaterial to him if it is a half-holiday or a whole holiday.

27. Now, with respect to sanitation, have you noticed the provisions with regard to accommodation? Clause 37 (*f*) says, "The Inspector may from time to time, by requisition to the occupier, determine as to the shop or office what space of cubic or superficial feet shall be reserved for the use of each person working therein, and the occupier shall cause the same to be reserved accordingly"?—That applies only to working-conditions.

28. Would this satisfy you: if another word were inserted, by which it would read "working or sleeping therein"; but I think there is provision in the Act as it reads. In clause (*a*) you will find this: "The shop or office shall be kept in a cleanly state, and free from any smell or leakage arising from any drain, privy, or other nuisance"?—You cannot make those clauses cover the case by shoving in a word here and there. I suggest special provisions dealing with sleeping-accommodation.

THOMAS PETER HALPIN examined. (No. 45.)

1. *The Chairman.*] Whom do you represent?—The small shopkeepers, the drapers, clothiers, and mercers of Wellington. Mr. Seaton, for many years chairman of the Wellington Shops Association, was to be here this morning, but could not possibly come along. Mr. Fownes, who was chairman of our last two meetings, will support me. With reference to the Shops and Offices Bill, on the whole we believe it a very fair one. One or two exceptions we take. The proposed hours for closing, clause 23: this Bill proposes our closing at 8 in the evening on four days other than the half-holiday and at 10 on one day. We are of opinion that it would be fair to make it 9 o'clock on four days, 1 o'clock on a half-holiday, and 10.30 on a late night, on a Saturday. Those are the hours in the requisition under which we are now working. Those are the hours we ask that we be allowed to keep our shops open in Wellington. We also wish to make it a strong point that we consider that 1 o'clock on a half-holiday is a fair hour to close. We understand that the proposal has been put before you to close earlier, but we suggest that the hour be retained for closing on the holiday.

2. There is no such proposal that I am aware of?—As regards closing by requisition, we are liable at any time to be called upon to sign a requisition to close on any day for early closing. We think this should only occur once a year. They are a source of annoyance to us, these requisitions continually coming round; we have lately had experience of that in Wellington. There is another thing, relating to the employment of assistants after the prescribed time, clause 43: we prefer to have it as at present—half an hour after the prescribed time.

3. We have that already noted?—Or as an alternative we are quite satisfied with 6 o'clock, provided we are allowed, as far as the drapery and clothing trades are concerned, to keep our assistants till half past 9 on one night. We do not want to keep them any longer. The only time is on a late night.

4. *Mr. Anderson.*] You would keep the doors open?—Yes. That is, I think, a fair suggestion. We are allowed to keep our assistants fifty-two hours, and the majority of us only keep them forty-six and forty-eight. That is really all that we wish to point out. We are very pleased to note in clause 14 you have stated that in signing the requisition for a half-holiday by a poll all those signing should give addresses and occupation. We think it very necessary, and are very pleased to see it in the Bill.

5. In answer to a question of mine you said that you would keep your shop open till half past 9. Supposing any fresh customer comes along?—They will come in, but the assistants cannot serve them.

6. Do you think it would work at 9 o'clock, say, to shut your doors, and give permission to serve those already there, but lock the doors against any further customers?—That is to finally close up for the night? That would be too early.

7. I do not say any particular hour—whatever hour the Bill prescribed. Do you think it would work to close the door and serve the customers you have in?—Not at that hour; if 10 I would say Yes.

8. I do not say any particular hour. Do you think it would be a proper thing to shut the door, serve those customers already in, and let the assistants go when they were served?—That would allow the shop to be reopened by the shopkeeper when they were gone.

9. *The Chairman.*] I understand that there is no grace under the 1910 Act; the fifteen minutes is only a concession. You say you keep your shop open during that fifteen minutes?—Yes.

10. *Mr. Anderson.*] And anybody from the street can come into it?——

11. *The Chairman.*] They can keep the shop open as long as they like as long as the assistants are gone?—I forgot to mention we are pleased to see that the wife and family are still allowed to work in the shop after the assistants have left.

12. *Hon. Mr. Millar.*] You would insist upon every employee serving any customer of yours up to half past 9?—Yes; as a concession we would not mind letting an assistant away sharp at 6.

13. Do you know that has been settled by the Court? Nine o'clock was the closing-hour, and the Court held that the man had to close at 9: they had to serve any one on the premises, but could not admit any one later. Is not that satisfactory?—That refers to the working-hours of assistants?—We are asking that the closing-hour should be half past 10. What you say would mean that the closing-hour would be 9 or half past 9.

14. *Mr. Grenfell.*] You are giving your evidence on behalf of your association: would you mind expressing your personal opinion?—Personally I am rather in favour of the hour as stated in the Bill in clause 23. Some of the smaller shops want the longer hours.

15. In connection with the case decided by the Judge, his decision was chiefly to the effect that the half-hour's grace only applied to workers outside the shop?—No, they could finish serving, but they could not take on fresh ones.

16. *The Chairman.*] You think that the conditions applying to the large shopkeeper would apply equally to the small shopkeeper?—Yes, I think so.

17. Do you not think any legislation that would restrict the hours would have a tendency to restrict business altogether?—Yes, it would.

18. In the course of time there would be no such thing as private enterprise?—No, it would make a monopoly for the big shopkeepers.

JAMES DOWNIE examined. (No. 46.)

Witness: My name is James Downie. I am manager of the People's Palace.

1. *The Chairman.*] You do not rent it?—No, I am manager of the hotel for the Salvation Army.

2. It has been stated that you give your employees a whole holiday every week, that you pay them the standard wages, and that you are making considerable profit out of the business on a 5s.-per-day tariff. Do you mind telling the Committee the value of the premises that you occupy?—They cost about £33,000, I have heard, but do not know for certain.

3. What rent do you pay?—There are six shops in the building; of course, I only pay for the private hotel.

4. I see: the shops are included in that £30,000?—The top is separate, but all part of the building.

5. And the receipts you get from letting those shops assist you?— No.

6 You say your 5s. tariff pays all the expenses?—I say the 5s. tariff pay all the expenses of the hotel.

7. We are told that you are paying 6 per cent. interest on the value of the property?—I am paying 9 per cent.

8. You have been sent up here as an example of what can be done. If you are not under the same conditions as the other people the evidence is of no value. We have asked you here to try and get at the facts?—There are six shops, two let at £1 7s. 6d. and four at £1 5s. There are two of them that are not rented at all; one is rented at £1 7s. 6d. I have nothing to do with the shops at all, but the shops are included in the building.

9. *Mr. Davey.*] What do you consider your rental is at the Palace per week?—£27 8s. 9d. per week.

10. And under that rental you think you can make it pay?—Yes, it does.

11. *Mr. J. Bollard.*] Your tariff is 5s. a day—that is, 1s. less than any of the others except the small hotels—1s. a day less than the Bristol, Grand, and Central?—I believe so.

12. This is worked on commercial lines?—Yes, entirely.

13. You say that while you work it on commercial lines there is a profit?—Yes.

14. How does it compare with those other hotels in the way of food and accommodation?—We are generally pretty full.

15. The general public patronize you, it is not confined to members of the "Army"?—Yes, the general public.

16. You find that you can give a weekly holiday?—Yes, I have been giving girls a weekly holiday for the last three years and men for the last twelve months.

17. How long have you been there?—Four years.

18. You say that it does not interfere with the commercial aspect?—It is an improvement. You keep a better class of employee, and it is better for the employees.

19. If you can do it, you can see no reason why the other hotels could not do it?—No. I was sub-manager of the People's Palace in Sydney: the award compelled us to do that there.

20. Is that a large place?—There is accommodation for six hundred. We were compelled to give a whole holiday there every week.

21. Did it work satisfactorily?—Yes.

22. It is, you consider, profitable to give a whole holiday?—Yes.

23. *Mr. Anderson.*] What is this £27 8s. 9d. based upon—what capital is it based upon?—It is divided equally between the part of the building that I have, the hotel, and the shops. I do not know anything about the financial side of the work. The People's Palace is a private hotel run on business lines; it pays 9 per cent. on all capital invested. The land was given originally for a rescue home, but transferred with consent to Newtown.

24. What we want to know is whether the rent you are paying works out on a percentage basis. On what capital per cent. does it work out, so that we can compare it with the rent which is paid at some of the other hotels or restaurants. What does the "Brigadier" base this £27 8s. 9d. upon?—Nine per cent. on the capital invested in the private hotel, and the shops are paying 9 per cent. on the capital invested in them.

25. *Hon. Mr. Millar.*] You have given us the capital value of the property at £33,000. With two shops let at £1 7s. 6d. and four at £1 5s. per week gives you a total rental of £398 per annum; capitalizing that at 5 per cent. I make out that you are paying about 6 per cent. on the shops and about 5 per cent. on the hotel property?—I might be mistaken, but that is the statement I got from the "Brigadier," and he assured me those figures were correct.

26. *Mr. Carey.*] You did not come to this Committee of your own volition?—No, I got a notice to attend.

27. Has the union in any way approached you to come here?—No.

28. Do not most hotels let the bottom part of the building for shops? As a matter of fact, have not the hotels nearest to you got the shop-frontages let?—the Bristol and the Grand Central?—Yes.

29. The People's Palace Hotel is in no way financially subsidized by the Salvation Army; even the land which was originally given was purchased by the department which runs the hotel; so that the value of the land is a trade charge as well as the value of the building, and the hotel has paid 9 per cent. on the capital expended?—I have definitely stated that it is paying 9 per cent. on the property value.

30. There is no reason to think that the "Brigadier" is in any way attempting to mislead?—He has given me the facts as I have stated them.

Mr. Millar: We are not doubting the "Brigadier's" veracity.

31. *The Chairman.*] Is it the usual custom of people keeping these boardinghouses that they rent the boardinghouses and the shops?—No.

32. The trade of the hotel is not paying for the whole of the capital invested in the building: the proprietor gets a separate rent for the shops——

33. *Mr. Carey.*] The receipts for the shops and the receipts for the hotel are kept separately?—Yes.

34. The business is done in the ordinary way just as a private man would do his business?—Yes.

35. You say that the granting of the six-day working-week has been an improvement?—Decidedly.

36. Is not this a fact, that on one week the chef works five days and a half?—Yes; they work that on the Sunday afternoon.

37. *Mr. J. Bollard.*] You stated that well-appointed hotels only charge 1s. a day more: are you certain that statement is correct?—I am only taking it from advertisements in the Railway Guide.

38. Would you be surprised to hear that hotels like the Windsor charge 15s. a day?—I know several people staying at the Hotel Windsor who state that is so.

The Chairman: I think the tariff ranges from 6s. to 10s. a day

39. *Mr. Grenfell.*] Have you been working under award?—Yes, ever since I have been there, I think.

40. Have you any award now in Wellington?—We work under the Shops and Offices Act.

Mr. Clark: Mr. Carey says he does not work under the award.

FRANCIS JOSEPH SULLIVAN examined. (No. 47.)

1. *The Chairman.*] What are you?—A merchant.

2. You wish to make a statement on this Bill?—I am president of the Private Hotels and Restaurants Employers' Union. I have been sent up here to represent them. Personally I do not employ any of the shop or restaurant employees. I am instructed to protest against some of the sections in this Bill, and to ask you to seriously consider such proposals as are made. The principal objections that my union has to the proposals now before you are contained in section 4, subsection (3). These provide that the wages-book must be kept for at least two years, and the Inspector has a right to inspect it at any time during this period. We think that keeping these records for six months should be ample, as by section 49 no prosecution for an offence can be started after three months, so what is the use of requiring people to keep these records when they cannot be of any use? For small traders to have to keep a book for two years would entail a great deal of hardship. Section 5, subsection (5): We ask that a confectioner should be described as one whose business it is to sell confections, or sweetmeats, or other eatables usually sold by confectioners. A number of our members run tea-rooms, and they have a restaurant at the back and a confectionery shop in the front, and also sell buns, and it would be very much better, I think, and save a lot of irritation, if it were possible to add the words we suggest. In the old Act a fishmonger was described as one who sells fish and fresh fish, and because they sold rabbits there was trouble. I was myself challenged because they were not especially mentioned in the Act. Of course, we asked that the wording should be altered. However, I was convicted, and the Act was altered the next session. Section 17 (*a*): In the case of fishmongers it is absolutely necessary to have the words "on any working-day or public holiday." It is not quite clear there—"on any working-day (or public holiday)." The fish-shops should be able to be open on public holidays to supply the hotels and boardinghouses. We also have to supply the public when they return from holiday-making. If the stock is not sold it is mostly lost. The trawlers are working under award, which gives the men the public holidays, and if no fish is saleable on the public holidays trawler-owners lose two days. The trawler-owners have endeavoured to get the men on the trawlers to substitute the day before for the public holiday, but although all are agreeable the Inspector objects and will not allow any variations of the awards. Section 19: We would like, after the words "but where a shop," the word "restaurant" to be inserted, so as to read "but where a shop, restaurant, and factory have a common entrance." Many fish-shops and tea-rooms have only one entrance, through the shop, into their restaurant; or, better still, we would suggest that this class of shop should be defined as "restaurants." Clause 20: After the word "shop" in the first line "restaurants" should be added, to conform with section 19. Section 26 (exemptions): We suggest that it should be "five to ten," and the word "inclusive" added. It is not quite clear whether it is intended to make it inclusive or not; and the same with "twelve to nineteen inclusive," putting in the word "inclusive" in each case. The reason we are asking for nine to be included is that the employers' only safeguard is to insist that all employees leave their premises and take their meals outside. It is really a hardship to the employee, as at present the employers must turn employees out on to the streets to get their meals. Section 27, subsection (*b*), provides for the hours of work in restaurants, and in the opinion of my union there is no reason why this subsection should be in at all. The hours of work in a restaurant should be the same as the hours worked in a hotel, provided for by subsection (*a*). One of the reasons we ask for this is that when the award was made with the restaurants it provided for a certain number of hours' work, but these hours were spread over seven days in the week, and now it is proposed to only allow six days in the week, or "restaurant" would be included in clause (*a*). Subsection (2) provides that written notice of extended time worked has to be given to the Inspector. We consider this most objectionable and likely to lead to a lot of irritation, especially through small employers, many of whom are illiterate, and through forgetting to give notice the summons is the only alternative, and a waste of their time. Further, it is unnecessary, as the time-book will show this and disclose the offence if committed. Section 27, subsection (5), provides for a whole day's holiday in restaurants and private hotels. This means not only extra labour but also increased rate of pay through the week to the present staff of the kitchen. The award under which we are working provides for graduated pay according to the number of hands employed. Thus if there are three hands employed in the kitchen at present the chef gets £2 15s., the second £1 15s., and the others £1 7s. 6d. Immediately another man is brought into the kitchen the chef gets £3 5s., the second gets £2 5s., and the others £1 7s. 6d., so that it means £2 7s. 6d. and the board to bring an extra man for the week. Section 30: In the past the word "fixed" has caused difficulties and differences of opinion, and we suggest that the word "fixed" should be eliminated and substituted by the words "on which the assistant has had the whole or half holiday." A restaurant business will not allow employers to fix a day that cannot be altered under any circumstances that arise and which cannot be foreseen. The demands of the business must be a prior consideration to the convenience of either the employers or the employees. We also ask that the hours of fishmongers in the First Schedule should be extended half an hour so as to make it 11 o'clock—11.30 and 11 o'clock. The

fish-shop, especially where it is the only entrance to the restaurant, has to be kept scrupulously clean. Hotels, picture-shows, and theatres do not close until 10 o'clock, when there is always a rush for restaurant suppers, and it is 11 o'clock before the people are served on the ordinary days and 11.30 on the late nights. It is necessary to have the place washed down and cleaned before these final hours, and everybody who is employed therein to be off the premises. This cannot be done at present, and it is desirable, especially in warm weather, to have the facilities of an extra half-hour for washing-down. These difficulties might be overcome if this class of shop, as previously suggested, be defined as restaurants. Section 33: I ask this alteration for myself and others who are engaged in like businesses with me, but it has nothing to do with the union. I ask that skin-buyers and wholesale fishmongers should be exempted. They are very similar businesses to the wool-buying business. It is absolutely necessary in the oyster season, when all our oysters arrive at night and a large proportion of our fish arrive at night, and we must have the assistants in the office to deal with these perishable goods. At present under the proposal of the Act we must absolutely shut the door at 5.

3. Do you want to include that in the weekly wage?—Well, the men that are on at night are not on during the day.

4. *Mr. Anderson.*] What do you do now?—We open, as we have to do.

5. There is no law now?—Not that I know of. The boardinghouse-keepers in Dunedin held a meeting there before I came away, and I was requested by them to protest against being included in this Bill. They say that their position was threshed out in the Arbitration Court, and after a lot of evidence the Court refused to include them in the private-hotel award. They say that if the present proposals are carried they will affect five houses in Dunedin and exempt a large number who employ only two servants and those who work their establishments entirely with members of their own family. These five consider that they will be unfairly handicapped, and they cannot raise their tariff to pay for extra labour. They claim that their business is just the same as a private house on a large scale, and that their employees have as many advantages granted to them. Neither the employers nor the employees are asking for legislation to better their, at present, happy relationship, and they think that if the employee is to be solely considered, the private families employing three or more servants should be in the Bill to be consistent; that if it is decided that workers in every industry irrespective of circumstances must not work more than six days in the week, then both they and our union claim that all workers employed in railways, tramways, farms, dairy factories, police, and all public servants should receive equal consideration with other workers, and it should also include employers of all classes of labour, and doctors. They hardly see why one particular industry——

6. *Mr. Clark.*] Parsons, too?——should provide the revenue for the lot.

7. *Mr. Anderson.*] How are you going to manage it?—I am not a Legislature, sir. We do hope this: that all the members who vote for this Bill, that later on when this wedge is inserted, and when the police come along, the dairy factories come along, and the managers come along, you will all be consistent and vote for six days a week for them too; and then after that you will endeavour to have a five-days week. I myself would like to be one of those few thousands I see at Home who are not bound to work at all.

8. *Mr. Clark.*] The Bill does not go far enough, in your opinion, then?—The Bill goes too far; but if you go so far, go farther, and make it perfect.

9. *Mr. Anderson.*] You know that old law that has come down to us, "Six days shalt thou labour": do you approve of it?—Certainly, where you can possibly do it.

10. Were there any exemptions made in that law?—I was not there at that time. Likely there were people then, as now, who found it absolutely necessary to work the seven days.

11. *Hon. Mr. Millar.*] You said you objected to it being compulsory on the employer to fix the holiday proposed here on a given day?—Yes.

12. If it is not fixed, how do you propose to check the employee ever getting that holiday?—From the wages-book.

13. How is that wages-book going to be kept by an illiterate man?—The Inspector will very soon see to that.

14. You said just now in regard to the overtime record that one of the reasons why it should not be in the Bill was because there were many illiterate men?—I said there were some. We say it has got to be entered into the wages-book and the Inspector has a right to inspect that book day or night. The wages-book should really show exactly what has been done, and there should be no necessity to give notice to the Inspector.

15. How is he to find out that not more than ninety hours overtime are worked in any one year?—First of all, there is the secretary of the union, and they have a whole army of pickets, and a complaint is very soon followed if a breach has been committed.

16. *Mr. J. Bollard.*] Supposing a man carries on a business that necessitates his employees working seven days a week, what holidays could those employees get?—Half a holiday.

17. You would not give a whole holiday?—To some men I would and some I would not.

18. Why not?—Difference in the men—some are better, more conscientious workers than others.

19. You believe the hours of work should be fixed?—As a rule I would certainly say Yes, but there are of necessity exceptions. I am under the trawlers award. We only work the men six days a week. At home I work seven days a week, and have done so for years. It is necessary for me every Sunday morning to go down on my bicycle to see that these men (the trawlers) are all in their places.

20. You could employ some one else to do that?—Well, when I go myself I see that it is done.

21. Do you not think it is only fair that where employees are obliged to work seven days a week that the employer should be on the same footing?—We provide for the public; we must eat seven days a week.

22. That is not the question at all?—Our business is supplying the public's needs.

23. There is nothing to prevent an employer who has to keep his business open seven days a week employing his hands five days and a half and giving them a whole holiday on a Sunday and the half-holiday?—Quite right, if that man has not a business of the kind we are discussing; but there are businesses that will not allow that.

24. What business?—Restaurants.

25. I am including restaurants. Why cannot a man give the same conditions as if he only worked six days a week?—It is a question of the nature of the business that he is doing. He cannot put on extra labour; if he does it means more for wages. As far as some restaurants are concerned, they generally take half the staff on one Sunday and half the other Sunday; they provide teas and suppers. The hotels generally have no suppers and only occasional teas, and people coming back from late picnics at 6 and 7 o'clock will not be able to get into a restaurant and get something to eat.

26. *The Chairman.*] Do you not think that much trouble could be avoided if employers were compelled to pay their men by the hour—no monthly or annual wages?—Yes, I might agree with that, provided the minimum was sufficiently low to allow the indifferent worker to be paid accordingly, otherwise the man who is a smart worker is not getting paid what he should be paid. In this way the best men would come to the front, and the other poor men would have to starve.

27. *Mr. Carey.*] You said in effect that when a Bill goes so far in certain respects there should be no exemptions?—No, I do not think I said that: I said that in one section of this Bill it is provided that when overtime is worked notice has to be given to the Inspector.

28. You do not want that?—No, I do not.

29. You want greater privileges than other shopkeepers have?—Our class of business is quite different, and necessitates different conditions.

30. You admit that this section already gives you a privileges over other shopkeepers?—Yes.

31. You said that boardinghouse-keepers say they had their position threshed out in the Arbitration Court, and you think that Parliament should refuse to legislate differently?—Certainly.

32. What is the remedy for the worker in places like "Glenalvon": what remedy do you suggest?—I say, if you are going to have an Arbitration Court have it, and do not go see-sawing between the one and the other.

33. When the Arbitration Court has had the privilege of deciding and has refused to decide, what remedy do you suggest then?—What remedy? Well, I should say, leave it.

34. Then you would have such matters left?—Certainly.

35. Even where the worker labour 105 hours for 10s. a week?—Yes.

36. Do you know of any Australian State or any country where the matter of the regulation of hours and awards has been taken right out of the hands of Parliament and left to an Arbitration Court?—I am afraid that you are better conversant with the labour troubles than I am.

37. If I tell you that in my evidence I have stated that in no State of Australia has the Arbitration Court power to override and set aside regulations made by statute, will you agree to that?—Yes, if you were on your oath.

38. Then you want an exception made in New Zealand?—Yes, quite reasonably. I think that the conditions there may be entirely different. I know that New Zealand was the only country in the world that gave Great Britain a Dreadnought.

39. Would you have that an exception: instead of the people making the labour laws of the country an Arbitration Court can do so?—While it is law, yes.

40. In fact, you are asking that the hours of women workers in restaurants that have been fixed at fifty-two be increased to fifty-eight?—Yes, because you are asking six days instead of seven.

41. *Hon. Mr. Millar.*] Do you know the duties of the Judges of the Supreme Court?—Well, they have to decide on the evidence brought before them.

42. They have no power to make the laws?—No.

43. Do you consider the Arbitration Court should be placed on the same footing?—Certainly not.

44. You quite agree?—Yes.

45. Do you know when the hours of labour were first regulated by Parliament in New Zealand?—I believe it was before the introduction of the Arbitration Court.

Hon. Mr. Millar: It is a fact that the hours of labour are regulated by every Parliament in the world.

46. *Mr. Greenfell.*] Mr. Sullivan, are you an employer yourself in this relation?—No, I am not. I am president of this employers' union.

47. Are you an employer of labour at all?—Oh, yes.

48. In connection with the Arbitration Court proceedings, the Court goes fully into the details of the particular business over which it is presiding?—My experience has been so—most exhaustively into it.

49. And they have more evidence than would be submitted to the Committee of the House, a Committee like this?—Yes, I think so.

50. And dealing with each particular place?—Yes.

ANDREW PARLANE examined. (No. 48.)

1. *The Chairman.*] Give us your full name and whom you represent?—My name is Andrew Parlane. I am secretary of the Drivers' Union in Wellington, and am giving evidence on behalf of our union. The class of drivers particularly affected by this Act are the bread and coal carters. The first thing we ask is that the Act shall come into force on the 1st January instead of the 1st April. Previous to October of last year the hours of these drivers were governed by an award of the Arbitration Court, which fixed their hours at forty-seven and a half, exclusive of stable attendance, which would amount to about an hour a day. Under the Shops and Offices Act their hours are fifty-two per week, with an hour per day extra for stable attendance. There is very great dissatisfaction among the men.

2. You say their hours have been increased under this Bill?—Yes, they were forty-seven hours and a half under the award. They are not paid for the hour a day. We submit that the new Act should come into force with as little delay as possible, and we ask that the Committee will endeavour to have the Bill brought into force on the 1st January, as we consider the matter to be one of urgency. Section 4, paragraph (*d*), dealing with the records: We ask that wages shall be shown separate from premiums, bonuses, or commissions. Our reason for asking for this is that we think any commissions, bonuses, or premiums should be paid over and above the minimum wage. With regard to keeping the records, the fact of an employee signing a record should not, in our opinion, be proof of its correctness. It does not seem fair to us that because an employee is compelled to sign a record his signature should be deemed proof of the correctness of the record—that his signature should make an incorrect record correct. Section 5, clause (1) (*b*), relative to closing on a half-holiday: We ask that the time for closing shall be noon instead of 1 o'clock. Drivers have to do a certain amount of stable-work after the hours prescribed by the Act. If the Committee do not see their way clear to grant this we ask that it be specified in the case of drivers that all work shall cease at 1 o'clock, so that the men will have the time before that hour for the necessary stable attendance. We prefer noon, but if 1 o'clock is to be retained we ask that the whole of the work, including attendance to horses, should cease at 1 o'clock.

3. Would they come back in the evening to attend to the horses?—Yes; that is another argument why they should get off at 1. The employee, in addition to working up till 1 o'clock, has to come back in the evening, and perhaps Sunday morning as well. Now, at present the employer can keep his drivers hanging about for eighteen hours and a half a day. A shop-assistant under the schedule which provides for bakers can be worked from 4 in the morning to half past 10 for five days in the week, and to 11 on the other day, and it averages about eighteen hours and a half a day. Of course, they cannot work continuously more than nine hours, but they can work them intermittently. We ask that the hours shall be fixed by the employer in advance, and that notice of such regulation shall be posted up in each shop and stable, and shall not be altered without fourteen days' notice. The drivers have entered into two agreements with the master bakers of Wellington. In the first agreement (to be found in Vol. iii, Book of Awards, page 212) it is provided that fifty-five hours shall be worked inclusive of everything, and the starting-time was fixed at 8 in the morning. That ran for three years, and was then superseded by an award which provided that the hours should be regulated by the employer to suit the requirements of his business. This meant that the hours had to be fixed by the employer in advance. Later on we entered into another agreement with the master bakers, and this clause taken from the award was accepted by the master bakers. This further agreement is to be found in Vol. ix, Book of Awards, page 605. At the present time a man will come down to attend to his horses, but when he has done the horses he is stood off till the bread is ready. If he has done the stable-work and is ready to go on with the other work the employer should not be able to stand him off. If the bread does not rise the bakers have to be paid, and we do not see why an exception should be made in the case of the carter. We ask that the hours should be fixed in advance, and that such regulation shall be posted up in the shop and stable, and not be altered without fourteen days' notice. Section 11: We ask that the wages shall be paid weekly. There is another week's grace given before prosecution, which means that a man can be kept out of his wages for three weeks, and these men cannot afford to be kept out of their wages for three weeks.

4. Is there any attempt made to pay fortnightly?—No, I do not know of any. Section 18 (*a*) (*c*): We ask that these be struck out. They deal with holidays. On both the occasions I have referred to—that master bakers entered into agreements with the Wellington drivers—provision was made for a half-holiday even though a special holiday fell during a particular week. This section is really doing a man out of a half-holiday. At the present time the ordinary carters get the full benefit of a holiday and do not work on Saturday afternoon to make it up. In regard to sanitation, we ask that an amendment be put in providing that where an occupier of a shop engaged in manufacture, handling or delivery of bread, meat, milk, or other articles of human consumption requires his assistants to do any stable or other dirty work he shall provide proper lavatory accommodation, to include a supply of hot water, soap, towels, &c., so that the assistant can properly wash himself before handling such articles. At present a bread-carter has to go and clean out a stable and wash the heels of greasy-legged horses, and there are no provisions other than a cold-water tap to wash himself before handling bread, and I think that in every baker's shop proper provision should be made that the men should clean themselves.

5. Would you have a compulsory clause?—I am quite prepared to say that there should be. Section 43, relating to fifteen minutes' grace: If there were any provision that overtime is to be paid for this I have no objection. It means increasing the already long hours of drivers. If it is intended to pay overtime for this I have no objection, but otherwise we strongly object

to it. Section 55: We ask that the stable-work which is now being done for nothing shall be paid for. We would sooner that the whole clause be struck out and that fifty-two hours should cover everything, but in the event of the Committee not agreeing to this we ask that the next paragraph (which provides for overtime) be applied to this, with the exception that the overtime be at the rate of time and a half instead of time and a quarter. We strongly protest against any driver having to work for less overtime than any other assistant gets by this Act. If a driver is to be classed as a shop-assistant we think that drivers should get the same rate of overtime. The work of an assistant who is a bread-carter is far harder work than the work of an ordinary shop-assistant; they have to run up hills, collect money, and have much responsibility.

6. You know that clause 43 prevents a man keeping his assistants more than fifteen minutes after the prescribed time?—Yes, but 55 overrules that. Clause 55 provides that they can be employed a greater number of hours for the purpose of feeding horses.

7. Your first statement was in favour of allowing the Arbitration Court to fix the hours?—No, I did not mean it in that way. I do not see why the Arbitration Court should not fix our hours.

8. Would you advocate the principle in all trades?—No, I would not. I would advocate this: that where a union asks the Court to fix the hours the Court should do so.

SHOPS AND OFFICES BILL, 1913: SUMMARY OF REPRESENTATIONS MADE BY CORRESPONDENCE.

Date of Letter.	No. of Letter.	Name of Writer.	Description and Address of Writer.	Representations made.	Section of Bill affected.	Remarks.
			Re *Inclusion of Private Boardinghouses and (Private?) Hotels in Bill, Sections 26–32.*			
26/8/13	1 (*a*)	William Grau and nine others	Proprietors of boardinghouses and private hotels at Hamilton and Frankton Junction	Protesting against their inclusion in the Bill	Sections 2 and 26 to 32.	
4/8/13	5	Innes	Secretary, Chamber of Commerce, Rotorua	Chamber of Commerce protests against the inclusion of hotels and boardinghouses in the Bill	Ditto.	
			Re *Whole Holiday for Hotels and Restaurants, Section 27 (5).*			
26/8/13	1 (*b*)	William Grau and nine others	Proprietors of boardinghouses and private hotels at Hamilton and Frankton Junction	Protesting against a full holiday weekly	Section 27 (5).	
3/9/13	2	R. Galbraith ..	Proprietor, Somerset Private Hotel, Ashburton	,, ,, ...	,,	
12/8/13	3	Smith and four others	Boardinghouse proprietors, Taumarunui	,, ,, ...	,,	
13/8/13	4	F. Casey	President, Gisborne Branch Auckland Hotel and Restaurant Employees' Industrial Union of Workers	Union urges that every hotel irrespective of the number of hands employed be made to observe a full day's holiday per week	Section 27 (4) and (5).	
			Re *Constitution of Combined Districts, for Purpose of Half-holiday for Shops, Section 12 (2)*; Re *Fixing of the Half-holiday, Sections 13 to 16*; *and* re *Exemptions from same, Section 17.*			
26/7/13	24 (*a*)	R. S. Badger ..	Secretary, Christchurch Retailers' Association	Association suggests that a ten-miles radius from the General Post-office should be made the boundary, and that subsection (2) should be deleted	Section 12 (1) and (2).	
25/8/13	7 (*a*)	Charles B. King ..	Secretary, Auckland Grocers' Industrial Union of Employers	Suggestion by the union that Road Boards be included in "combined districts" in the sections mentioned	Sections 12 (2), 14 (2), and 16 (2).	
30/7/13	21 (*b*)	R. French	Auckland	Suggesting that annual conference of members of contiguous local bodies fix the statutory closing-day in all cases	Sections 14 and 15.	
29/7/13	12 (*b*)	J. A. Thompson ..	Bookseller and stationer, Auckland ..	Suggesting that the statutory half-holiday be made optional (evidently meaning the day of the half-holiday)	Section 13.	
..	13	Anonymous ..	Auckland	Suggesting that the statutory half-holiday be made optional for small shopkeepers	,,	
30/7/13	14	Alfred Moore ..	Men's outfitter, Auckland	Suggesting that shopkeepers be given the option of closing on Wednesday or Saturday	,,	
,,	25	H. E. Bullen ..	Bootmaker, Auckland	Ditto	,,	
29/7/13	15	F. A. Fenton ..	Chemist, Auckland	Protesting against the compulsory Saturday half-holiday ..	,,	
18/7/13	28	J. H. Hannan ..	Draper, Auckland	Protesting against compulsory closing on Saturday	,,	
,,	16	J. Livesly	Secretary, Devonport Shopkeepers' Association	Association suggests that shopkeepers be given the option of closing on Saturday or Wednesday	,,	
30/7/13	21 (*a*)	R. French	Auckland	Suggesting that Saturday should be fixed as the statutory closing-day, with tradesmen having the option of substituting Wednesday by giving previous notice	,,	
..	21 (*c*)	.. .. ..	,, ...	Suggesting that, as in cases where the holiday is held on any day but Saturday tradesmen have the option of observing Saturday, then where Saturday is compulsory tradesmen should have the option of observing any other day	Section 13 (2).	

20/7/13	21 (*c*)	R. French	Auckland	Suggesting that in cases where main thoroughfares traverse areas governed by more than one local body the statutory half-holiday shall be the same throughout the length of such thoroughfare	..	
25/8/13	7 (*b*)	Charles B. King ..	Secretary, Auckland Grocers' Industrial Union of Employers	Suggestion by the union that all exemptions from closing for half-holiday except fishmongers be struck out	Section 17 (1) (*a*).	
26/7/13	24 (*c*)	R. S. Badger ..	Secretary, Christchurch Retailers' Association	Association suggests that all exemptions from half-holiday except chemists be abolished	Section 14.	
30/7/13	8	F. Fielding ..	Secretary, Auckland Hairdressers and Tobacconists' Industrial Union of Employers	Stating that Auckland tobacconists and hairdressers are strongly protesting against not being included in list of exemptions	Section 17 (1) (*b*).	
31/7/13	9	Ekman	Tobacconist, Cambridge	Stating that Cambridge tobacconists are protesting against not being included in list of exemptions	Ditto ..	The "exemptions" referred to are not exemptions from closing altogether at in section 17 (1) (*a*), bue merely the right to changs the day to some other day than Saturday.
5/8/13	10	George Knox ..	Tobacconist, Auckland	Protesting against tobacconists and hairdressers not being included in list of exemptions	,, ..	
1/8/13	11 (*a*)	E. S. Wilson ..	Secretary, Tobacconists' Association, Dunedin	Association strongly protests against hairdressers and tobacconists not being included in list of exemptions	,, ..	
31/7/13	23 (*a*)	F. E. Hilliker ..	President, Dunedin Hairdressers' Association	Stating that Dunedin hairdressers and tobacconists are strongly opposed to not being included in the list of exemptions	,, ..	
29/7/13	12 (*c*)	J. A. Thompson ..	Bookseller and stationer, Auckland ..	Suggesting that the number of exemptions be reduced	Section 17 (1) (*a*) and (*b*).	
30/7/13	21 (*d*)	R. French	Auckland	Suggesting that in the case of exempted shops the majority of the shopkeepers in the same line of (exempted) business may apply for the removal of the exemption	Section 17 (1).	
			Re *Proposed 8 and 10 o'clock p.m. Closing for Shops in the Four Chief Centres, Sections 23 and 51.*			
29/7/13	12 (*a*)	J. A. Thompson ..	Bookseller and stationer, Auckland ..	Suggesting that section 23 be struck out	Section 23.	
26/7/13	24 (*b*)	R. S. Badger ..	Secretary, Christchurch Retailers' Association	Association suggests that 7 p.m. should be made the hour for closing	,,	
1/8/13	11 (*b*)	E. S. Wilson and	Secretary, Tobacconists' Association, Dunedin	Association strongly protests against the closing-hour being fixed for all hairdressers and tobacconists while other tradesmen in the vicinity are allowed to sell tobacconists' goods and keep open	,,	See "definitions," section 5, which should do away with this objection.
31/7/13	23 (*d*)	F. E. Hilliker ..	President, Tobacconists' Association, Dunedin			
1/8/13	11 (*c*)	E. S. Wilson and	Secretary, Tobacconists' Association, Dunedin	Suggesting that provision be made for closing at 10 p.m. during Mid-winter Show Week as at present provided in the requisition	,,	
31/7/13	23 (*c*)	F. E. Hilliker ..	President, Tobacconists' Association, Dunedin			
22/7/13	26 (*h*)	H. Bolitho	Vice-President, Tobacconists' Association, Auckland	Suggesting that the section be amended to allow the Minister some discretion in an urgent case such as the American fleet's visit	Section 23 (2).	
			Re *Hours of ceasing Work for Females (9.30 p.m.—Section 5 (a)), and for Assistants generally, under Section 5 and Schedule 1.*			
24/7/13	18 (*a*)	C. E. Statham, M.P...	Dunedin	Suggesting on behalf of a Dunedin fruiterer and confectioner that, in the event of the hour-limit of 9.30 p.m. for females (which is an inconvenience to fruiterers) not being removed or extended to a later hour, then that the time be extended on the condition that all time worked after 9.30 p.m. should count as, say, time and a half	Section 5 (1) (*a*).	
31/7/13	19 (*e*)	J. Fisher and J. Nancarrow	For the fruiterers and confectioners of Christchurch	Suggesting that the word "exclusively" in line 47 be omitted ..	Section 5 (*a*).	
31/7/13	19 (*a*)	Ditto	Ditto	Desiring that florists should observe the same hours for assistants as fruiterers, as their trades overlap	First Schedule.	

SHOPS AND OFFICES BILL, 1913: SUMMARY OF REPRESENTATIONS MADE BY CORRESPONDENCE—*continued.*

Date of Letter.	No. of Letter.	Name of Writer.	Description and Address of Writer.	Representations made.	Section of Bill affected.	Remarks.
			Re *Hours of ceasing Work for Females, &c.*—continued.			
31/7/13	19 (*b*)	J. Fisher and J. Nancarrow	For the fruiterers and confectioners of Christchurch	Proposing that the closing-time for fruiterers be extended half an hour during the warm weather (from October to April)	First Schedule.	
..	20 (*g*)	Arundale and Boreham	Fishmongers, Dunedin	Suggesting that the hours for fishmongers' assistants should be extended by half an hour	,,	
31/7/13	19 (*d*)	J. Fisher and J. Nancarrow	For the fruiterers and confectioners of Christchurch	Suggesting that the definition of "shop-assistants" should not include female members of the occupier's family who do not work more than fifty-two hours per week	Section 2 ..	See section 5 (3), which already exempts them from section 5.
				Miscellaneous.		
28/7/13	6	J. R. Ross and Co. ..	Hairdressers and tobacconists, Napier	Protesting against the thirty minutes' grace hitherto allowed being reduced to fifteen minutes	Section 43.	
26/7/13	24 (*f*)	R. S. Badger ..	Secretary, Christchurch Retailers' Association	Ditto	,,	
..	20 (*e*)	Arundale and Boreham	Fishmongers, Dunedin	Suggesting that subsection (*a*) should be made to cover restaurants and (*b*) should be omitted	Section 27, subsection (*a*) and (*b*).	
..	20 (*b*)	,,	,, ,, ...	Suggesting that the words "or public holiday" be added after "working-day" in line 38	Section 17 (1) (*a*)	This is quite unnecessary, as the public holidays are not compulsory (see section 18).
..	20 (*f*)	,,	,, ,, ...	Suggesting that written notice of extended time worked should not have to be given	Section 27 (2).	
..	20 (*a*)	,,	,, ,, ...	Suggesting that wage-book should be kept for six months instead of two years	Section 4 (3).	
..	20 (*c*)	,,	,, ,, ...	Suggesting that section 19 should read "but where the shop, restaurant, and factory have a common entrance"	Section 19 ..	Unnecessary, as "restaurant" is already a shop.
..	20 (*d*)	,,	,, ,, ...	Suggesting that the word "restaurant" be added after "shop" in the first line	Section 20 ..	Ditto.
1/8/13	11 (*c*)	E. S. Wilson .. and	Secretary, Tobacconists' Association, Dunedin	Suggesting that Good Friday eve be added to the list of late nights in section 7, and the closing-time on that night be 10	Section 7.	
31/7/13	23 (*b*)	F. E. Hilliker ..	President, Tobacconists' Association, Dunedin			
23/7/13	27 (*b*)	F. S Hetherington ..	Wanganui	Pointing out that during Christmas and New Year week assistants may be employed four hours extra irrespective of the hours that they may otherwise have worked	Section 7.	
1/8/13	11 (*d*)	E. S. Wilson .. and	Secretary, Tobacconists' Association, Dunedin	Suggesting that it be the duty of the police in addition to that of the Inspectors to see that the Act is carried out	Section 52.	
31/7/13	23 (*e*)	F. E. Hilliker ..	President, Tobacconists' Association, Dunedin			
21/7/13	17	J. Coombe	Editor, *Evening Standard*, Palmerston North	Suggesting that the proviso to section 56 be struck out.. ..	Section 56.	
24/7/13	18 (*b*)	C. and W. Hayward (Limited)	Dunedin	Suggesting that retailers having no late night in the week should be allowed to work their employees a week or ten days for stock-taking purposes once a year without extra remuneration. (Wholesale houses do not have to pay extra for stock taking, and contend that this is fair because their employees have no late night in the week)	Section 8 (5).	

31/7/13	19 (*c*)	J. Fisher and J. Nancarrow	For the fruiterers and confectioners of Christchurch	Pointing out that no provision is made *re* closing-hours for combined fruiterer and tea-room businesses	..	This might be met by providing that an assistant employed in both should be deemed to be exclusively employed in that in which she is principally engaged as certified by Inspector, in same way as in section 20.
5/9/13	22	S. T. Mirams ..	Secretary, Dunedin Master Butchers' Industrial Union of Employers	Resolution of union protesting against inclusion of section 55 in its present form	Section 55.	
26/7/13	24 (*d*)	R. S. Badger ..	Secretary, Retailers' Association, Christchurch	Association suggests that in the case of shops in a certain line of business closing by requisition all other shops that sell any articles peculiar to that line of business be also required to close	Section 24 (7)	This would be very drastic. Section 24 (7) and (8) are inserted in the Bill to meet this difficulty as far as possible.
22/7/13	26 (*a*)	H. Bolitho	Vice-President, Tobacconists' Association, Auckland	Pointing out that it is impossible to control the sale of cigarettes and tobacco in restaurants and hotels when the proprietors are allowed to sell to persons living on the premises	Sections 24 (8) 32.	
22/7/13	26 (*k*)	,, ...	Ditto	Suggesting that hotels should not be allowed to have cigarettes and tobacco in or about the bar on the statutory half-holiday, and that it should not be necessary to have to prove a sale	Section 32 (1).	
26/7/13	24 (*e*)	R. S. Badger ..	Secretary, Retailers' Association, Christchurch	Association suggests that the appliances to which employees are to have access should be specified and not left to the discretion of the Inspector	Section 37 (1).	
22/7/13	26 (*b*)	H. Bolitho	Vice-President, Tobacconists' Association, Auckland	Protesting against auctioneers being allowed to sell second-hand furniture on statutory closing-day whilst second-hand dealers have to close	Section 13 ..	Auctioneers are already prevented by several Court decisions.
22/7/13	26 (*c*)	,, ...	Ditto	Suggesting that a definition be inserted providing that a wholesale warehouse is one where goods are sold only to retailers	Section 2 ..	Definition of "shop" seems sufficient.
22/7/13	26 (*d*)	,, ...	,, ...	Suggesting that provision be made so that in cases of temporary indisposition a shopkeeper be allowed to employ an assistant for at least one night without having to change the name of the registered occupier	Section 3 ..	Can do so now (see sections 5 and 8). In any event in case of indisposition the Inspector would change name (see section 3).
22/7/13	26 (*e*)	,, ...	,, ...	Pointing out that chemists can still sell cigarettes as asthma cure	Section 5 (4) ..	See definitions in section 5 (5).
22/7/13	26 (*f*)	,, ...	,, ...	Pointing out that chemists can still sell toilet requisites, and that it is very difficult to draw the line between toilet requisites and hairdressers' requisites	Section 5 (5) ..	,,
22/7/13	26 (*g*)	,, ...	,, ...	Pointing out that it is unfair to allow bookstall-keepers on railway-stations and wharves to sell to people who are travelling only to the suburbs	Section 17 (*a*).	
23/7/13	27 (*a*)	F. S. Hetherington ..	Wanganui	Suggesting that the holidays under section 19 should be made compulsory holidays and that the ordinary weekly half-holiday should be observed in addition	Section 19.	
10/9/13	29	T. H. Bellamy ..	Secretary, Kaipara Chamber of Commerce	Resolution of Chamber of Commerce that permission be given to storekeepers in places where there are no chemists to sell patent medicines without making themselves liable to a penalty under the Act	..	
16/9/13	30	J. L. S. Wright ..	Secretary, Dunedin Expansion League	Resolution of committee urging careful consideration of amendments	..	

SHOPS AND OFFICES BILL: SUMMARY OF CORRESPONDENCE OBJECTING TO THE COMPULSORY SATURDAY CLOSING IN AUCKLAND.

Date of Letter.	No. of Letter.	Name of Writer.	Description and Address of Writer.	Summary of Contents.
2/8/13	1	W. Winn	Grocer, Auckland	Stating that compulsory Saturday closing is a failure.
1/8/13	2	E. S. Gribble ..	Men's Outfitter, Auckland ..	Ditto.
31/7/13	3	G. and L. Tomlinson..	Stationers, Auckland ..	,,
2/8/13	4	F. Gregson	Storekeeper, Auckland ..	,,
2/8/13	5	W. H. Smart ..	Pork-butcher, Auckland ..	,,
1/8/13	6	H. and J. Harrison ..	,, ...	,,
2/7/13	7	C. E. Webster ..	,, ...	,,
2/8/13	8	J. Belcher	Bootmaker, Auckland ..	,,
30/7/13	9	J. Gardiner.. ..	Baker, Auckland	,,
1/8/13	10	E. A. Lucas ..	Auckland	,,
..	11	J. E. Walker ..	Stationer, Auckland ..	,,
2/8/13	12	L. Sherwin	Milliner, Auckland	,,
31/7/13	13	J. H. Greenwood ..	Fancy-goods dealer, Auckland	,,
..	14	— Parker	.. ..	Statement of weekly takings.
..	15	F. H. Dyer ..	Auckland	,,
..	16	H. A. Coates ..	Pork-butcher, Auckland ..	,,

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