7. I have no desire to exempt any one. It is intended to cover everybody employed in hotels? —I quite appreciate it if the section is intended to do that. To show that these technicalities do crop up, it is a moot question whether a rouseabout is an assistant and entitled to the half-holiday. The matter cropped up where a man employed as an outside porter had not had a holiday for a year, and in order not to cause hardship we agreed with the hotelkeeper that he would not draw any fine points in future and the man should have his holiday. It was contended that everybody except waiters and waitresses was exempted. The Crown Law authorities were of opinion that the kitchen of a restaurant was not part of the shop, and therefore all assistants employed in that part were not shop-assistants. That was the construction that has deprived us of the benefits of the Act for the last two years.

8. If my memory carries me back rightly, we had a case taken in Court?—We have always been asking you to take a test case. Now we come to section 5. When this clause was read out to the meeting and the executive, some of the men asked where its benefit came in. The position is this: If it were not for the anomaly I spoke of with regard to the restaurants and tea-rooms, every employee would be entitled to a fifty-two-hours week, and if a test case were taken, and it favoured us, it would apply to all assistants. We think the fifty-two hours should apply. The measure introduced by the Minister intends to extend the hours by eight a week for males and by four for females. We think in New Zealand, especially in the case of women and tea-room girls, that, after having enjoyed the benefits of the fifty-two hours a week for years and years, the Labour Bills Committee and Parliament should think twice before recommending additional hours to be served by these girls. We have tried in the four centres to get an award of the Court to obtain this, and the Arbitration Court, which has at times been inclined to override provisions put into the statute-book, agreed with the fifty-two hours, and in no instance has the Court overridden that fifty-two hours. In Dunedin, Christchurch, Auckland, and Wellington, where an award obtains, fifty-two hours is in force. And it is this Bill that proposes to increase those hours that particularly apply to females. For males we had a peculiar position in connection with this under the 1907 agreement, which was a recommendation by the Board. The Conciliation Board awarded sixty-five hours for waiters in restaurants, and that was in operation for a year. We submitted to the Department pretty frequently that it was not in the power of the Board to fix the hours in excess of those prescribed by the Act. Eventually the Department brought a case before the Court, with the result that Mr. Justice Cooper in the Supreme Court ruled that what was ordained in the Board's agreement was invalid and could not stand, and that the agreement was invalid. Now, under the agreement we enjoyed a Sunday off in every four, a half-holiday, and better conditions all round than we have now. At the time there were ten or eleven employers not bound by the agreement, and we created a new dispute with these eleven. When we appeared before the Arbitration Court Mr. Justice Sim stated that the probability was that Mr. Justice Cooper's decision rendered our agreement invalid and it was better to have all the parties attached. We knew that we should have difficulty in Court in getting an award equal to the agreement. The Court gave us an award, but took away the one Sunday in four and a good many other privileges, and reimposed the very sixty-five-hours condition which rendered our previous award invalid, so that we were no better off. I have been asked therefore to protest against the extension of hours to these people. We are already entitled to fifty-two hours' work, and I have to mention that only in the case of males in restaurants are those hours exceeded in our awards. I admit that until the agreement of 1907 and since then the women employed in hotels were not covered by any legislation restrictive of hours, except barmaids, who, I believe, were covered by the provisions in the Licensing Act which this Bill probably repeals. I was under the impression that what the Minister proposed to do in connection with this Bill was to make the hours fifty-six for males and fifty-two for females, and we were disappointed to find that extra hours were included in the Bill. We believe we are entitled to fifty-six for males and fifty-two for females, and I am instructed to ask the Committee to favourably consider this claim, because in every state in the Commonwealth—which is not deemed to be so progressive as New Zealand—the hours do not amount to the number mentioned in this Bill. For instance, in Queensland the hours for all similar trades, except chemists' assistants and barmaids, are fifty-three per week, and in the clauses having reference to restaurants and oyster-saloons there are special provisions dealing with overtime. By the Shops and Factories Act of Queensland, which governs restaurants and all licensed places, the workers are compelled to be paid overtime after 8 o'clock and up to 11, and after 11 there is an additional overtime rate provided. We are not complaining about the overtime provisions in the Bill, because we think they are splendid; but we think the Queensland Act should be a guide to help the Committee in arriving at a conclusion that the hours in this Bill are a little excessive. In West Australia, in 1904, the Early Closing Bill was amended so as to provide in all hotels and restaurants for fifty-six hours in the case of males and forty-nine a week for females. The Factories Act in Victoria gives power to the Governor in Council to regulate the hours under which certain employees in different classes of establishments are to work, and, probably about eight or nine months back, Sir A. Peacock, a Tory Minister, issued a Proclamation enacting that the hours should be fifty-two per week for hotels and restaurants. There was an outcry on the part of the employers, the result of which was that a compromise was effected making the hours fifty-eight for males and fifty-two for females. It will be noticed that the compromise was two hours less than is proposed here. We think the hours that have been obtaining here for years in the majority of the trades should remain as they are—fifty-two per week—especially in the case of females; and fifty-six is a fair enough number for men working in our trade, and we ask the Committee to consider that suggestion. With regard to subsection (*b*) of section 5, which is to the effect that an assistant shall not be employed "for more than ten hours (excluding meal-times) in any one day," the members of my union are