

of the Pennsylvania Act, but in Ohio the parties pledged themselves to abide by the award.* In another appendix will be found a list of strikes in the United States for the past one hundred and fifty years—a formidable amount, which shows how far the need for conciliation and arbitration has outrun the provisions for it.

XXIV. *England.*—The working of the different Courts of Conciliation in England has already been indicated. They are all voluntary. The Acts passed to establish tribunals have been dead letters, partly because the unions did not like the compulsory enforcement of the awards, and partly, perhaps, because it needs the consent of both parties to bring a dispute before the Court.

XXV. *The Colonies.*—In the neighbouring colony of Victoria a scheme for the settlement of disputes has been in existence for a short time, and has been brought into successful operation. The scheme at present is somewhat in abeyance, principally, it is said, owing to a want of organization, rendering it impossible to enforce a reference to the tribunal provided. The same scheme was submitted for approval to the Employers' Union and Trades and Labour Council of this colony, but was ultimately rejected on the ground that it did not adequately provide for the recognition of unionism. In the building trades of this colony, however, there has existed for more than two years a representative Board of Conciliation without any provision for arbitration, and which has done good work. No scheme is in existence in the colony of South Australia, but we direct attention to the Bill prepared by the Hon. C. C. Kingston, the features of which he kindly explained to us.† In devising the scheme we have the honour to recommend, we have endeavoured to take advantage of all the suggestions available to us from other parts of the world, and at the same time to adopt a plan which should be suitable to the circumstances of this colony, which would be intelligible to all concerned, which would be simple in its machinery and easy of application, and which would commend itself to the approval alike of employers and employed.

XXVI. *Economy and Simplicity.*—In proposing the scheme as submitted, we have kept in view the expediency of having the new tribunal as economical as possible. More complicated schemes, it will have been seen, are in existence elsewhere, especially where large and varied industries are collected in great manufacturing districts. But the circumstances of our colony do not at present call for any complicated arrangement. The largest localised industry we have in this colony is that of coal-mining in the Hunter River district, and there the miners and the colliery proprietors have substantially worked out for themselves a system of agreement and arbitration.‡ There is no need to disturb what has thus been the product of experience. But the system of settling disputes in force in that district would be fortified by the existence of a State tribunal such as we suggest, for it should be borne in mind that a State Board of Conciliation in no way whatever prevents the existence of private agreements in particular trades; on the contrary, the evidence is clear that the existence of such agreements leads to a better understanding of the mutual relations of employers and employed, and also facilitates the work of a Board in giving a decision. Private conferences—private efforts at conciliation—may fittingly take place in any or every trade, but the advantage of a State Board is that it is there, always in existence, to deal with any case that has proved too obstinate for private settlement. All disputes should, if possible, be settled within the trade itself, and there would be the greater probability of this being done if it were known that, failing a settlement, either party could force the case before the State Board of Conciliation. We have said that we have not neglected the question of economy, but, at the same time, we do not think that a rigid economy should be a ruling consideration in dealing with the constitution of a trades tribunal, for the loss to the community at large from a great and prolonged strike is immeasurably greater than the cost of any conciliation tribunal. What the loss to the colony from the late strike was, it is difficult to estimate. To the Government alone in its various departments it was very great; while in the loss of trade, in the depreciation of investments, and in the discouragement of industry, it was very much greater still. Any reasonable expense should be cheerfully encountered if by so doing these disastrous social conflicts could be prevented.

XXVII. *Compulsion to appear.*—We have given careful attention to the question as to whether the tribunal we propose should have any compulsory powers. This question has to be considered on two sides; first, whether there should be compulsion in initiating the action of the Board, and, second, whether there should be compulsion in enforcing the decrees of the Court. As to the first point, we do not reject the doctrine that the State may legitimately interfere to prevent such colossal disputes as have already distracted our society, and are threatening to distract it still more. Looking at the laws as they exist now for the prevention of disturbances, and for forbidding incitement to disorder, it can hardly be contended that disputes which almost assume the character of civil war ought to lie outside the cognisance of the guardians of the public peace. But we do not propose at present any such extension of principles already recognised as to give to the State Board of Conciliation a right to insist on both parties to a trade dispute bringing their case before it. It may, under conceivable circumstances, become expedient hereafter to give such powers, but the expediency should first be clearly proved. In establishing a tribunal for settling disputes that are not in themselves criminal, we think it best that the State agency should be called into action rather than act of itself. But, admitting this, the question still arises whether, if one party to the dispute calls for the action of the Board, it should proceed to take such action even if the other party stands aloof. And here we are of opinion that it should not be necessary for both parties to call upon the Board to interfere, as to adopt this course would be very greatly to limit the usefulness of the Board.

* The constitution and rules of the Straiton and Storm Arbitration Board, an account of the attempts at conciliation in Pennsylvania, particulars of the working of the "Wallace Act," together with the full text of the Ohio law, will be found in the Conciliation Appendix.

† The schemes of conciliation proposed in the various colonies comprise the Conciliation Bill introduced in the New South Wales Legislature by the Hon. J. H. (then Mr.) Carruthers; the conciliation scheme drawn up by the late Chief Secretary of Victoria (Hon. C. J. Langridge); the Industrial Bill, by the Hon. C. C. Kingston, ex-Attorney-General of South Australia; and the Victorian Board of Conciliation referred to above. The full text of all these schemes and Bills will be found in the Conciliation Appendix.

‡ The full text of the Newcastle agreement will be found in Appendix A, attached to the evidence.