

Workers' Compensation for Accidents statute has been passed in any of the States, the workman's remedy being under the old Employers' Liability Acts or at common law. Early Closing Acts, and Acts referring to the attachment of wages, are in force in certain of the States. The labour legislation is not so "advanced" as in New Zealand. The Factories Acts of the several States do not apply over the whole State, but only to cities and boroughs; country districts may be brought under the Act by a *Gazette* notice, but so far in no instance has this been done. Neither are the Factories Acts so comprehensive as in New Zealand, as no factory is required to be registered unless four hands are employed, except in South Australia, where one employé constitutes a factory for the purposes of the Act. A large number of small factories are not subject to the law in States where the minimum of four is adopted, leaving the door open for what is commonly known as "sweating." In other words, notwithstanding the existence of the Wages Boards, any wages may be paid or any number of hours may be worked in such workrooms, as the law takes no cognisance of them.

The Federal Parliament apparently has power only to make laws with respect to "conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State," (section 51, subsection 35,) so that the Federal Parliament could not under the present Constitution legislate in respect of the prevention or settlement of industrial disputes in New Zealand alone if that colony were a State of the Commonwealth.

As a State of the Commonwealth New Zealand would still have legislative power to maintain and amend her existing code of labour-laws. Nevertheless, it cannot be assumed that whatever benefits the employers and workers enjoy under those laws would remain assured to them. It is already recognised in Victoria, which is more advanced in its labour legislation than any other State of the Commonwealth, that there will be great difficulty in maintaining its laws, especially those regulating the rates of wages, unless similar statutes are passed by States whose manufactures enter into competition with the products of Victorian factories. This matter now forms the subject of a vigorous public discussion in Australia, and has been brought under the notice of the Federal Premier. Mr. Barton, while pointing out that the Federal Parliament cannot now assume exclusive jurisdiction over the labour-laws of the Commonwealth without an amendment to the Constitution, has suggested that, under the 37th subsection of the 51st section, a State may refer the question of framing a Factories Act to the Commonwealth Parliament; but such legislation would apply only to the State which makes the reference, although any other State might subsequently adopt it. In the opinion of your Commissioners, however, there is not sufficient unanimity in the several States of the Commonwealth on this question to render it at all probable that uniform Federal labour-laws will be secured at any early date through the medium of such a voluntary surrender of legislative powers as the course suggested by Mr. Barton would involve. The inclusion of New Zealand in the Commonwealth would therefore entail free competition with States where no attempt is now made to regulate the rates of wages or the excessive employment of boy-labour. According to the almost unanimous opinion of the employers and artisans engaged in manufacturing industries in New Zealand examined by your Commissioners, such competition would render the maintenance of the New Zealand code of labour-laws extremely difficult, and might result in reduced wages, longer hours, and a considerable displacement of labour.

X. COLOURED LABOUR.

The large powers of legislation possessed by the Federal Parliament in respect of immigration would, in the opinion of your Commissioners, enable that Parliament to pass laws authorising the employment of coloured labour within the boundaries of the Commonwealth, and such laws would prevail against any to the contrary passed by a State.

The question of coloured labour in Australia is a large and important one, and your Commissioners gave much attention to the subject, and examined many witnesses.