MINUTES OF EVIDENCE.

WEDNESDAY, 21ST OCTOBER, 1903.

The Chairman informed the Committee that he had received the following telegram :—

"The Chairman, Labour Bills Committee, House of Representatives, Wellington.

"YOUR telegram yesterday date arrived too late to enable me to reach Wellington by next Wednesday. Unfortunately have not seen either of the Bills mentioned, but would be pleased to have copies. Sincerely trust that further burdens are not to be placed on mine-owners. In year 1900 our companies paid for accident insurance £258 9s. 8d.; this year, owing to new laws, we paid £1,260. The tendency of recent legislation is to increase the cost of production, which ultimately falls upon consumer in every instance, except gold-mining. Gold has a fixed value, and increased cost of production falls entirely upon consumer. Do not make the burden too heavy and cripple a useful industry. Would have been pleased to attend before Committee had it been possible to get there in time. "FREE CONSOLIDATED GOLDFIELDS."

Mr. DAVID GOLDIE made a statement and was examined. (No. 1.)

Mr. Goldie : I am a timber-merchant, and president of the Auckland Employers' Association. In connection with this Bill I may say that the employers in Auckland agree with its provisions generally, but there are provisions in it with which we cannot agree. We have no objection to make to the 1st and 2nd clauses. In regard to the 3rd clause, we concur in the principle laid down in that clause that cases should be tried before a Stipendiary Magistrate, because we do not think that such cases as are provided for under this Bill should be sent to the Arbitration Court, but we do not think that his decision should be final. We consider that such cases as are likely to arise under this Bill should be treated as civil cases in the Magistrate's Court are dealt with, and that there should be an appeal in regard to matters of fact as well as in regard to questions of law. We have no objection to the two-hundred-pound limit, and we say that in taking a case before the Supreme Court the employee should have the same rights as we have ourselves. Under existing circumstances it would be impossible for an employee to take his case before the Supreme Court on account of the expense. The employers would not feel this so much as the employees, and therefore we are of opinion that the fees should be made lower. We think that is the wisest course to take, because the Arbitration Court is already overworked. We also consider that the appeal should not only be in regard to questions of law, but as to every question which may arise in the Magistrate's Court. That would give us a free hand in the matter.

Mr. CHARLES M. MONTEFIORE made a statement and was examined. (No. 2.)

Mr. Montefiore : I am manager of an insurance company, and I am also a member of the Wellington Association of Employers. Mr. Goldie has already said most that there is to be said on this subject so far as we are concerned. The stand which I think the employers take upon this subject is that the Magistrate should not be able to give a decision upon a case without there being an appeal on matters of fact. The clause which gives power of appeal on points of law is simply making a promise to the ear which has no practical effect. There have been several cases where such matters have been brought to the Arbitration Court from the decision of the Magistrate's Court, but the appeal has been absolutely useless. We think that there are reasons why these matters should be dealt with by the ordinary Courts of the colony, and that the Arbitration Court is not the tribunal to which they should be referred. We think that if there was an appeal to the ordinary Courts, and if the matters referred to in this Bill were dealt with in the same manner as ordinary matters, it would be more satisfactory. I may go further and say that had such power of appeal been reserved previously a large number of decisions would have been reversed on appeal or have been given in an entirely different manner. Another trouble is this : that in this colony there is Judge law, and apparently you are going to extend that Judge law to the Magistrates, and you will find that decisions will be given according to the ideas of different men, and they will be very conflicting. I do not see any advantage whatever in the provision made here. Again, there comes in the question of amount, in regard to which the Magistrate has to decide. As a matter of fact, the chief cases in which a sum of money is involved are those in which there has been death. The Court has no power to award and allocate the sum without the consent of the employer. In the case of death the Court has to deal with the amount to be allocated to each person, and it is purely a matter of negotiation. Clause 2 is, of course, intended to deal with the much-vexed question of contractors as against employers. I do not know that as a matter of fact it will be of any advantage. The clause is not very well drafted, and it refers simply to coal and gold mines, but does not deal with the many vexed questions which arise in this respect in other employments. It does not define who is to be considered as a contractor and who is not, and that is just one of those vexed questions which should have been settled under such a measure as this. The conclusion I have come to is that instead of introducing this law, which will be of very little use, it would have been much better if the various mistakes and errors which have been pointed out in the present Act had been gone through and remedied, and the Act made more suitable for the majority of the people. I consider that the effect of this Bill if passed into law will be to very much increase the expenses and the cost of settling claims.