MINUTES OF EVIDENCE.

FRIDAY, 6TH SEPTEMBER, 1907.

WILLIAM FERGUSON examined. (No. 1.).

1. *The Chairman.*] What are you?—Secretary of the Wellington Harbour Board.

2. You are here, I assume, to give evidence with regard to the Industrial Conciliation and Arbitration Act Amendment Bill, now before this Committee?—Yes, section 40.

3. Let us hear what you have to say, Mr. Ferguson?—The Wellington Harbour Board was cited by the Shipmasters' Association for the purpose of bringing them under an award of the Court. It was claimed that harbourmasters and pilots were statutory officers, and that certain other men, such as the masters of dredges, should be subject to an award. The Board objected, and the Harbours Association had a meeting, held two years ago, at which they passed a resolution "That, if the Shipmasters' Association of New Zealand cite any affiliated harbour board before the Arbitration Court, the Harbours Association support it in resisting them and in contesting a case to decide whether or not the Industrial Conciliation and Arbitration Act applies to harbourmasters, pilots, and tug and dredge masters." The case was taken to the Arbitration Court, and the Court decided that under the Industrial Conciliation and Arbitration Act these gentlemen, the shipmasters, did not come within the definition of "worker." The words which it is proposed in the Bill should be set aside are "to do any skilled or unskilled manual or clerical work" (section 2 of the principal Act amended). The decision of the Judge was based upon the fact that shipmasters—that is, a pilot or harbourmaster—were not engaged in any skilled or unskilled manual or clerical work. The proposal now is to delete these words, which will widen very materially the definition of "worker"; in fact, it widens it so materially as to include every man who is not an employer. It includes bank-managers, men like myself, and everybody who receives payment for services. It may be desirable, but it is a question that should be very carefully thought out. It appeared to us to have been specially introduced to deal with this case in which the Boards were concerned. The legislative committee of the Harbour Board had an urgent meeting in consequence of this, and authorised the Chairman, the Hon. Mr. Macdonald, and myself to appear before you. We tried to get a meeting of the executive of the Harbours Association, but unfortunately were unable to get a quorum this morning. The objection, you will readily see, to a pilot being a member of the union is a very serious one. These men are specially selected for their skill, and for their skill only. They are professional men, and it does not seem desirable that they should be put on the same footing as a wage-earner or worker.

4. *Hon. Mr. Millar.*] Can you give me any valid reason why any section of the community should be debarred from any Act which makes provision for a Court to consider the conditions under which they gain their living?—I think there is a very considerable difference between a worker, who is one of hundreds and thousands, and a specially qualified individual who is perhaps only one of half a dozen and who stands in a unique position—a very material difference.

5. Then, because of the half-dozen pilots who may be employed in the colony you consider that the thousands of others who are debarred from forming unions owing to the decision of the Court should still be kept outside the privileges of this Act?—No, I do not think that. You may widen the definition of "worker" if any of them are debarred, but I think the definition of worker is sufficiently wide to include all those persons who ordinarily come under the provisions of a union. I think that professional men, or men of a semi-professional character, should not come under the definition of ordinary "workers."

6. Is a shipmaster an ordinary worker?—I question it very much, sir. A shipmaster is in the position practically of an employer for the time being. He is in a position of trust. He may be practically a servant, but he is often the only representative of the company that employs him in the colony. His fellow-men in similar positions might form a union, and, willy-nilly, he would be forced to appear as an employee. I do not think the labour legislation was ever intended to apply to men of that class; it is intended to apply, and, I think, rightly, to workers earning salaries or wages, but who are numerically in large numbers. It was not intended to apply to a few dozen semi-professional men.

7. Then, in your opinion, the Court should not review the conditions of employment of any men who are not engaged in manual labour?—Or clerical labour. Personally, I do not think any man who may be considered to have professional knowledge should necessarily be put on the same footing as a pick-and-shovel man. He has his skill and is able to make his own terms, and I do not think his fellows should practically force him into a union.

8. In other words, the Arbitration Act should only be class legislation?—It is class legislation.

9. And you object to it being enlarged as class legislation?—Theoretically, yes. It might have evil results. Practically it could have no good results.

10. I presume you know that this has been asked for by the shipmasters?—Yes; they want to get behind the decision of the Court.

11. The Court decided that, owing to the wording of the Act, they did not come within its scope. As they were neither engaged in skilled or unskilled manual or clerical work they could not be registered, and so had no standing?—There were several grounds stated.

12. All these contracts between the Boards and their servants would be reviewed, the same as in the case of an ordinary employer. Do you think that in the case of a public body the Court