1907.

NEW ZEALAND.

LABOUR BILLS COMMITTEE:

REPORT ON THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL, TOGETHER WITH SYNOPSIS AND MINUTES OF EVIDENCE.

Report brought up 7th November, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

THURSDAY, THE 11TH DAY OF JULY, 1907.

Ordered, "That a Committee, consisting of ten members, be appointed, to whom shall be referred the Industrial Conciliation and Arbitration Act Amendment Bill and certain other Bills more particularly referring to labour; three to be a quorum: the Committee to consist of Mr. Arnold, Mr. Alison, Mr. Barber, Mr. Bollard, Mr. Ell, Mr. Hardy, Right Hon. Sir J. G. Ward, Mr. Poole, Mr. Tanner, and the mover."—(Hon. Mr. MILLER.)

FRIDAY, THE 30TH DAY OF AUGUST, 1907.

Ordered, "That the Industrial Conciliation and Arbitration Act Amendment Bill be referred to the Labour Bills Committee."—(Hon. Mr. MILLER.)

REPORT.

THE Labour Bills Committee, to whom was referred the Industrial Conciliation and Arbitration Act Amendment Bill, have the honour to report that they have carefully considered the same, and recommend that it be allowed to proceed with the amendments shown on the attached copy.

7th November, 1907.

WM. W. TANNER,
Chairman.

INDEX TO EVIDENCE.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL.

SYNOPSIS OF EVIDENCE, LABOUR BILLS COMMITTEE, 1907, COMPILED BY THE CHAIRMAN OF THE COMMITTEE FOR READY REFERENCE.

Page 2. Mr. Ferguson, Secretary Wellington Harbour Board :—
Objects only to one clause (40) and its widened definition of "worker." Claims that shipmasters, harbourmasters, and pilots should be exempted from the statute, as had been the case by a recent legal decision.

Page 3. Miss Edith Vaughan, Wellington Tailoresses and Pressers' Union :—
Approves clauses 5, Industrial Councils, and 47, collection of contributions from non-unionists, and dissents from 53, which excludes from representative functions in unions all other than members of the industry represented.

Page 4. Mr. W. H. Westbrooke, Secretary of the Parliamentary Committee of the Trades and Labour Council, Wellington :—
Produces authority to represent Trades Councils of Southland, Nelson, Otago, Auckland, and Hawke's Bay. Evidence at length, generally against the Bill, and going into detail. Would prefer strengthening Conciliation Boards, and urges that clause 53 would be detrimental to unions, particularly the smaller ones. Reviews Bill clause by clause.

Page 8, continued on page 31 and later on page 119. Mr. W. T. Young, representative of the Parliamentary Committee, and of the Tramway Unions of the Dominion :—
Evidence at great length, strongly hostile. Asks that clauses 3, 5–17 inclusive, 18, 19, 20, 27, 30, 38, 47, 51, 52, 53 be struck out, and many others be amended or modified. Further evidence as Nos. 8 and 37.

Page 12 (see also Beadel, page 69). Mr. James Thorn, President of the Canterbury Trades and Labour Council :—
Evidence relates mostly to Agricultural Labour Union and small unions. Witness generally hostile but not entirely so, as he approves of five or six provisions—clause 21 subsections 1 and 2, and clauses 40–44. Indorses the opposition of witnesses 3 and 4. Hands in manifesto of Canterbury Trades and Labour Council against the Bill.

Page 19. Mr. Revell, Secretary Canterbury Woollen-mills Employees' Union :—
Disapproves of the proposed Industrial Council. Complains of difficulties of litigation under existing conditions, and asks for greater simplicity of procedure. Objects to clause 53.

Page 29. Mr. Hanna, President Canterbury Woollen-mills Employees' Union :—
Favours the Bill in some respects, but generally supports previous witness Revell.

Page 38. Mr. P. G. Carey, member Trades and Labour Council's Parliamentary Committee, also Secretary to Cooks and Waiters' Union :—
Supports manifesto of Wellington Parliamentary Committee. Complains of intimidation.

Page 44, continued on page 61. Mr. McLaren, Secretary Wharf Labourers', Waterside Workers', and Iron and Brass Moulders' Unions :—
Stongly hostile to the Bill. Evidence of great length, going through the Bill clause by clause. Evidence on the whole in favour of reconstructing Conciliation Boards. Opposed to their supersession by Industrial Councils. Examination very lengthy, extending over several pages. Admits the difficulty of imposing fines for breach of contract which cannot be collected, but is emphatic against the employment of imprisonment as a punitive measure. Suggests that unions should be made responsible for payment.

Page 49. Mr. T. H. White, Manager Kauri Timber Company, President Shipowners' Federation, and President Sawmillers' Association :—
On the whole approves of the Bill. Strongly in favour of mutual settlement without litigation.

Pages 53 and 125. Mr. Lightfoot, Secretary Carpenters' Union :—
Supports manifesto of Wellington Trades and Labour Council's Parliamentary Committee. Gives qualified support to some provisions in the Bill.

Page 57. Mr. Chapman, President Federated Typographical Union of Workers, Wellington :—
Very antagonistic to several clauses, favours some, indifferent to many.

Page 59. Mr. Reardon, Secretary General Labourers' and Engine-drivers' Unions :—
Supports manifesto of Wellington Trades and Labour Council's Parliamentary Committee. Utterly opposed to Bill, and would rather be without it.

Page 69. Mr. T. Beadel :—
Evidence *re* personal matter in connection with evidence of No. 5.

Page 70. Mr. Blackwell, Chairman Kaiapoi Woollen-mills Company :—
Generally supports Bill with slight alterations suggested.

Page 75. Mr. Leithead, Manager Kaiapoi Woollen-mills, Canterbury :—
Endorses Mr. Blackwell's evidence. Goes into details regarding disputes with No. 6.

Page 79. Mr. Cooper, farmer, representative of Farmers' Union, Pahiatua :—
Detailed evidence *re* relations between farmers and dairymen, and labourers, and objects to the principle of compulsory arbitration being applied to agricultural pursuits. Suggests that no union should effect a citation of employers before the Conciliation Board except by a majority of the votes of its members. Evidence interesting, but not closely applicable to the Bill.

Page 83. Mr. J. Wilson, farmer, Canterbury :—
Simply indorses above.

Page 83. Mr. John Trotter, Canterbury :—
Evidence similar to the last two witnesses.

Page 87. Mr. O. F. Clothier
Page 88. Mr. J. Talbot
Page 89. Mr. D. Jones
} Further details *re* agriculture, and information of great interest. Evidence on the whole supports Bill.

Page 91. Mr. P. J. O'Regan, Chairman Wellington Conciliation Board :—
Gives practical detailed evidence of the working of Conciliation Boards, and makes many suggestions for improvement, including "permit" system.

Page 97. Mr. W. Pryor, Secretary New Zealand Employers' Federation :—
Reviews the Bill closely and at some length, suggesting many minor alterations, but, on the whole, approving of the provisions of the Bill.

Page 101. Mr. S. Kirkcaldie, employer, Wellington :—
Complains that, owing to a delay in filing with the Arbitration Court notice of objection to the Conciliation Board's recommendations in the case of the Cooks and Waiters' Union, the recommendations became binding, and were afterwards found to apply to drapers' tea-rooms.

Page 102. Mr. J. Fairway, Wellington :—
Evidence relates to similar difficulty.

Page 103. Mr. W. H. Bennett, Wellington :—
Supports Bill, and gives evidence *re* compulsory arbitration in building trade.

Page 104. Mr. G. T. Booth, employer, Christchurch :—
Detailed and closely-reasoned review of the situation, and existing and proposed legislation.

Page 107. Mr. F. McParland :—
Evidence *re* hotelkeepers' difficulties.

Page 108. Miss Holmes, Mrs. Pearce, and Mrs. Rawson make joint representations *re* domestic servants and their relationship to employers :—
Evidence of great value in its bearing on domestic and social life.

Page 115. Mr. A. D. Robbie, President Typographical Union, Wellington :—
Supports proposed Industrial Councils, and, from experience, suggests greater simplicity in procedure.

Page 123. Mr. M. Murray, Cooks and Waiters' Union, Wellington :—
Details many experiences regarding unionism.

W. W. TANNER,
Chairman, Labour Bills Committee.

6th November, 1907.

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

should have no jurisdiction over its servants?—I do not say that, but I do think so in the case of a special officer selected for his special skill, such as a harbourmaster or pilot, who is handling ships and merchandise of special value. Preference of employment is practically given under this Bill, and this would limit that selection.

13. Do you think that a man occupying the position of a pilot would be compelled to join the Shipmasters' Association?—If the Bill passed in its present form I think so. He would have to contribute to the funds.

14. Would he be a shipmaster?—Under their articles they would claim all men holding a master's certificate.

15. That is quite a different point. Do you think that if a man was not a pilot or was not likely to take charge of a ship it is likely the Court would attach him to the award?—It is a question whether they would or would not.

16. Do you think they would?—I think it is probable they would. The present relations between the superior officers and their employers are disturbed.

17. The same thing applies to any other industry?—I think it will cause friction, trouble, and worry, and break up the pleasant relations that exist, or should exist, between the employers and the officers.

18. *The Chairman.*] In the judgment of the Court you spoke of, did the Court say that the Act did not apply as at present worded to these officers?—The present Act did not apply because the officers did not come under the definition of "worker."

19. And the case was dismissed on this ground?—Partly on that ground. The Judge said there was one other ground, but he thought that was sufficient.

20. *Hon. Mr. Millar.*] Are you aware that journalists have been held to be not skilled labourers?—I am not aware of that.

21. *The Chairman.*] Will you tell the Committee the date of the Court's decision?—The 14th December, 1906.

FRIDAY, 13TH SEPTEMBER, 1907.

EDITH VAUGHAN examined. (No. 2.)

1. *The Chairman.*] What organization do you represent?—The Tailoresses and Pressers' Union.

2. Of Wellington?—Yes, Wellington Industrial District.

3. You are yourself actively engaged in the trade?—Not now. I have been.

4. You are a member of that union?—Yes.

5. Have you seen the Bill known as the Industrial Conciliation and Arbitration Act Amendment Bill?—Yes.

6. Will you tell the Committee what you think of it?—I have not gone into all the matters dealt with by it, but there are just one or two I might speak about. We agree with clause 5, "Industrial Councils," with the proviso in subclause (6), "Provided that under special circumstances, and with the approval of the Minister of Labour, persons who are not and have not been workers engaged in the said industry may be so recommended and appointed."

7. Your union approves of that?—Yes.

8. Is there any other point to which you wish to draw our attention?—We object to clause 53.

9. Will you tell us why?—Because we find a difficulty in getting members of the union to act as officers of the union, and we think it is better to be allowed to get officers who are independent of the trade if we desire to.

10. What is the reason for members being unwilling to act as officers of the union?—In a number of cases after they have been acting as officers of the union the employers find some excuse for dismissing them: perhaps on the ground that they have no work they are told that their services are not required.

11. They are quietly dropped?—Yes.

12. Have you had cases of that kind in your union?—Yes.

13. And you think that acts as a deterrent to others to take office?—Yes; there is a difficulty in getting them to take office.

14. And you think, if this clause is passed, which provides that officers of industrial unions must be engaged in the industry, the choice would be more limited than it is now?—Yes.

15. That your union will be compelled to put into the forefront men whose living depends upon their keeping up a good understanding with the employers?—Yes.

16. Is there any other clause you object to?—Clause 50: "Application for permit to work at less than prescribed rate to be made to Inspector of Factories." We want the union to be able to grant permits as well as the Inspector.

17. At present, according to the law, the application has to be made to the Chairman of the Conciliation Board, and in that case the secretary of the union has to be present and may be consulted with regard to issuing the permits: will that meet your case?—Yes.

18. It does not say that the secretary of the union can issue permits. They will be issued through the Inspector, but the secretary of the union will be there to consult with him?—Our union would not object in that case.

19. Is there any further point?—Clause 47: "Contributions to unions by others than members."

20. What is your objection to clause 47?—Our union has no objection to that. We approve of clause 47. We think that non-members should be called upon to contribute to the funds of the union.

21. Look at subsection (8) of clause 47, which says there shall be no authority to demand payment from any person who is "(*a*) an overseer or foreman in permanent employment, and having full direction over at least five workers; or (*b*) an indentured apprentice; or (*c*) under the age of seventeen years." Do you approve of that? It makes those persons exempt from the payment of contributions. The union cannot collect money from an indentured apprentice?—Yes.

22. Is it the practice to properly indenture apprentices in your trade?—No, they do not indenture them. Apprentices serve for two years.

23. Is there any other point in the Bill regarding which you care to give any evidence?—No, I think that is all.

24. You tell us that you approve of clause 5, clause 47, and you disapprove of clause 53?—Yes.

25. Is there anything more you would like to say?—No.

26. *Mr. Barber.*] Has your union not expressed any opinion about the other clauses?—They have not gone into the matter.

27. Do they think they do not concern them: is that the reason?—I do not know that I have read them. These are the only ones that affect us, I think.

28. That is, the tailoresses and pressers?—Yes.

29. *Mr. Poole.*] Do you find that those who are most intimate with the business—the people who have learned certain trades—are the most satisfactory representatives in industrial disputes? If you wanted to select a secretary for a particular union, do you not think that some person who has been connected with that trade would be more suitable than an outsider?—Not in all cases. Some one who had been working at the trade would be better in some cases, but there are others just as capable who can make themselves acquainted with the awards.

30. Clause 53 says, "No person shall be qualified to be a member of the committee of management of any industrial union or an officer of any such union unless he has been or is actually and *bona fide* engaged or employed in the industry in respect of which such union is established." Those most intimate with a particular union or trade are generally the most suitable people to represent that trade?—Not always. If you could get a good man it would be all right, but you cannot get them to act.

31. Would you give credit to the Minister for taking into consideration that point in drafting this particular clause?—I think the Minister thought he was doing the best thing; but I think it is better to get outside officers.

32. You do not think there was any intention on his part to shut out the most suitable representatives?—No, I do not think so.

33. Is there a feeling abroad that that is the intention of the clause?—Some might have that feeling, but we have not.

34. *Hon. Mr. Millar.*] In your opinion, it would be an advantage at times to have an officer who was not a member of the union—taking women's unions generally?—Yes.

35. I suppose you know the object aimed at in the special clause under "Industrial Councils," where the Minister is given power to accept the nomination of others? That was put in with a view to meet your case particularly, so that a women's union might have the assistance of men on the Council?—Yes. Some unions have no male officers at all, and the girls feel that they are weak.

36. This would affect the male unions to some extent, especially after they are first organized?—Yes.

37. Do you think that after twelve months' organization of a union there would be a better prospect of persons offering themselves as officers from amongst their own ranks?—I think it would be better to leave it open.

38. You are not afraid of the Industrial Councils?—Not with that provision in subsection (6).

39. As a matter of fact, I think you have met the employers before in conference and come to a settlement?—Yes.

40. And you have always found that, with the exception of one or two gentlemen, you could come to a settlement with the employers?—Yes.

41. Have you known any of those who took part on those conferences to have been victimised?—No, I cannot call them to mind. I do not think so.

42. And you do not think there is anything to be feared by the workers themselves in meeting their employers and discussing matters over a table with a view to seeing if they can conciliate?—I do not think so.

43. You approve of clause 47, where non-unionists shall be compelled to contribute to the funds of a union when ordered by the Court?—Yes.

44. The other clauses, I presume—some of them being merely technical alterations and not of special interest—you did not study?—No.

TUESDAY, 17TH SEPTEMBER, 1907.

WILLIAM HENRY WESTBROOKE examined. (No. 3.)

1. *The Chairman.*] What is your position?—I am secretary of the Parliamentary Committee of the Trades and Labour Council of Wellington.

2. Have you seen this Bill, known as the Industrial Conciliation and Arbitration Act Amendment Bill?—Yes.

3. Have you considered it?—Yes.

4. Will you please tell us your opinion of it in your own way?—I would like, first of all, if you will permit me, to give you some idea of the amount of thought I am representing here. First of all, I have a telegram from the Southland Trades and Labour Council, signed by the secretary, Mr. Corson, as follows: "Invercargill.—Southland's authority *re* manifesto; heartily indorse same." There is a telegram from Mr. Johnston, secretary Trades Council, Nelson: "Authorise you to act for us." I have another telegram from the Otago Council: "Otago Council authorise your Council represent them amendments Arbitration Act.—BREEN, Secretary." I have also a telegram from Auckland: "Auckland Trades Council authorises your Council to represent us before the Labour Bills Committee.—ARTHUR ROSSER, Secretary." In addition, I have a letter which came yesterday from the Auckland Trades and Labour Council: "I am directed to forward to you a copy of the following resolution, passed unanimously at a special meeting of the above Council: 'That this Council most strongly protests against the passing into law of the Industrial Conciliation and Arbitration Act Amendment Bill, 1907, and supports and adopts the manifesto recently issued by the Wellington Trades and Labour Council, in which reasons are explicitly given, from a unionist standpoint, as to why the Bill should not become law; and that copies of this resolution be forwarded to the Hon. the Minister of Labour, the Chairman of the Labour Bills Committee, and the Wellington Trades and Labour Council. Also, that the Wellington Trades and Labour Council be given full authority to appear for this Council and represent it before the Labour Bills Committee.—I have, &c., ARTHUR ROSSER, Secretary." I have also a letter from the Hawke's Bay Trades and Labour Council: "DEAR SIR,—A meeting of delegates of all the trade-unions in Napier was held in the Trades Hall on Friday, the 16th instant, to consider the amendments to the Industrial Conciliation and Arbitration Bill which are now before the House of Representatives. The following resolutions were carried, and the secretary was instructed to forward copies of the resolutions to the Hon. J. A. Miller, Minister of Labour, also a copy to your Council.—I remain, &c., J. M. LANGLEY, Secretary. The chief objection to the proposed Industrial Council is that, while the employers' representatives are independent of the workers, the workers' representatives would, on the dissolution of the Council, find themselves dependent for their livelihood on the persons with whom they had been contending in dispute. The united wish of the workers here is that the Conciliation Board should have power to make awards binding. Clauses 22 to 28: The proposal to allow Magistrates the power of enforcing awards is objected to on the ground that it removes the matter from the tribunal especially created to deal with it, and places it in the hands of one man, who has far more power than is safe or right. Moreover, the proposal would lead to increased cost through appeals. Clause 30: Providing for the deduction of fines from wages is unfair, inasmuch as it impounds one-fourth of the workers' total income, whereas the heaviest penalty imposed on employer leaves him practically unhampered. Moreover, it is in contravention of the Truck Act. Clause 45: It seeks to destroy an inherent right, and is contrary to common law. Clause 47: Is regarded as a half-hearted pretence at preference to unionists, and cannot by any means be accepted by the workers as a substitute for preference. The unionist worker does not want the outsider's money, but wants the outsider to come in. Clause 50: Is regarded as dangerous and injurious. Clause 51: Interferes with the lawful right of unions to manage their own funds. There are unions which it would seriously cripple. Clause 53: Strongly opposed. Would cause the loss of many of the best and most trusted union officers, and very seriously hamper them in the conduct of their business."

5. *Mr. Arnold.*] Is that last communication from Napier?—Yes. My own evidence is mainly in connection with the smaller unions in the Wellington District. I have been a member of the Organizing Committee for many years in Wellington, and my duties consisted very largely in organizing small unions. We are approached by men working in an industry, who show that their treatment is unfair, that the wages paid them are not sufficient to support them comfortably. We generally wait until one or two of the men approach us, and then we call a meeting of those engaged in the industry. And here I would emphasize the fact that we have given up advertising preliminary meetings of unions, because we found that in the smaller industries the men are actually afraid to come and attend the meeting. In two instances we found, after we had got them together and they had decided to form a union, they did not come along to the advertised meeting. Well, if that is the case, if men are so afraid to be connected with a union, I would ask the Committee what chance would there be of getting three men from such an industry to represent them faithfully and do their duty on an Industrial Council such as is proposed in this Bill. One of the first difficulties we meet with in the formation of a union, after we have got the members together, is to get officers for it. We find that in some unions it is almost impossible to get officers. I have in my mind one union—the Aerated-water Workers, recently before the Court—from which we could not get any one to take office, and at last the Trades Council officered the union, giving them their president and secretary; and then, when the matter was brought before the Board and the Court the men were afraid to give evidence, and we had to subpœna them. Then one of the men, who was to a large extent the framer of the demands for shorter hours and higher wages, when asked in Court whether he was satisfied with the conditions, said he was. I believe it is impossible to get men to form these Industrial Councils who will do justice to their fellow-workers. I have to make these remarks although they reflect upon the men, but they are absolutely true, and can be proved easily. Another matter I wish to speak about in connection with these unions is this: In Wellington I think there are a total of sixty-three unions. I am not sure whether they are all registered or not, because many have been recently formed. Out of these sixty-three there are eight unions which have less than twenty-five members. There are twenty-three with less than fifty members. So you will see that the labour movement is to a large extent dependent on the small unions. I wish also to give evidence on my experience as to the probability of a small union getting any advantage from a voluntary agreement which may be brought before the Board or Court. Just recently I have had to conduct cases for five unions, and with the exception of one

—the Flax-millers—they were all small unions. In two out of these five we had the greatest difficulty in getting an industrial agreement entered into voluntarily. Take the Aerated-water Workers' Union: We find that in Canterbury a beer-bottler gets £2 5s. a week. The Court in Wellington gave £2 10s. We find that the bottle-washers, or their representatives, agreed to work for £1 12s. 6d. a week; but in Wellington, after hearing the evidence, the Court gave two guineas a week, and this is the lowest-paid man in the factory. Then, take the flax-mill employment, in which there is a small union in Canterbury. There were thirty-three members of it the last time the returns went in. We find that in Canterbury they agreed voluntarily to receive 5s. a day up to 7s. 6d. 7s. 6d. a day is the highest, and the shakers and catchers get 5s. In Wellington, after going before the Board and getting a recommendation, and taking the case on to the Court, the lowest worker in the industry, with the exception of the rouseabout, was awarded a shilling an hour. I believe that amongst the larger unions which are well organized, and especially among the highly skilled trades, it is possible to make headway by mutual agreements with their own representatives and the employers; but amongst the smaller unions it will amount to a great disaster if they have to depend upon the Industrial Councils to fix the hours and conditions of wages. One of the great arguments used in favour of Industrial Councils has been that it is necessary that those who are adjudicating on the case, or dealing with the case, should have the technical knowledge or skill required in the industrial concern. So far as my experience goes, I do not consider it necessary in the slightest degree. If it should in any case be considered necessary the present Act provides for it. The points we generally disagree over are four—the hours, the wages, the overtime, and the rates paid for overtime. I do not think it requires any particular skill or knowledge of a trade to judge how many hours a man shall work, neither does it require much skill to judge as to what is a living-wage, and the Court has informed me that the latter is the basis on which it frames its awards. The only unions in which skill would be required on the Bench or in the Council would be such as work under a piecework log, and I think there are only about two of these in the colony, or perhaps three. The bootmakers and the tailoresses have swept away their piecework logs. In other cases no skill is required at all.

6. *Mr. Alison.*] Do you act as a representative on behalf of unions when disputes are being heard?—I have done so in certain cases.

7. Do you still do so?—Yes.

8. You said that in the small unions the men are afraid to be connected with the cases?—Yes.

9. Why?—They are afraid it will make a difference to their employment. They are afraid they will be sacked or get out of employment.

10. Have you known cases where such men have been discharged?—No; not in consequence of that directly. If I could have proved such a case the employer would have been charged before the Arbitration Court. To my own mind I know that men have been so discharged, but it is a very difficult thing to prove. For instance, an employer would not say, "I will sack you because you belong to a union."

11. What you say is a very serious thing: are there not thousands of unionists who are employed at the present time?—Yes.

12. And you say, notwithstanding that unionism is admitted to be right by law, that employers discharge their men because they are unionists?—Yes.

13. *Mr. Arnold.*] You say it is very difficult to get officers for the young unions?—Yes.

14. Does that also apply to the old unions?—Not so much, but it does apply to them more or less, too.

15. I mean officers who are in employment in the trade?—Yes, that is what I intended to imply.

16. Now, when officers are secured, is it customary for them to remain in their employment for any lengthened period, or do they change frequently?—With regard to the formation of new unions we generally keep them in office for six months, and then, if the union requires to keep them in office, sometimes they are willing to remain. With regard to the old unions, statistics could easily be found to show how many secretaries there are from outside the industries.

17. Do they remain in office and in their employment for any lengthened period?—Very seldom, indeed.

18. And is the reason of that their fear that wrongly or rightly their holding office will affect their employment?—That is partly the reason; but in other cases it is because men have had to leave the town. I can point to three secretaries of the Coachbuilders' Union alone who are now in Feilding, and I believe they had to leave the town because they were connected with the union. One after another they found themselves out of work, and they had to shift round to get different jobs. Through my own connection with the union I had to pick round the little shops to get my living, because they would not employ me in the large shops.

19. So that it is generally known among the labour people throughout the colony that if they take part in unionism for any length of time their employment will be affected?—That is so.

20. And you think the same thing will follow if they take a prominent part in these Industrial Councils if they are set up?—I do.

21. *Mr. Hardy.*] I would like to know something about the men who are afraid to attend meetings to form unions: have they made any complaints to you?—Yes.

22. Who complained to you?—I can give you the name of a union that is fresh registered. We tried to form an Electricians' Union about two years ago. We got the first meeting off very successfully, and the next meeting was to take place within the next fortnight. We advertised the meeting, and only five turned up. We asked the reason, and were told that the men were afraid to come because they would lose their employment—they would be discharged.

23. I ask you to name the men?—I cannot tell you the names. I did not take them.

24. You are giving us terrible evidence—evidence that should not be possible in any free country, and you ought to bring it home to some one. You ought to be explicit: who was the man

who told you that?—I cannot give it to you. If I could prove it against the employer I could get a case against him in the Arbitration Court.

25. As we have no evidence that could convict the employer, why bring the tale up about the man?—When a man says, "I am discharged," I ask him if he can prove that it was owing to his connection with unionism, and it is difficult for him to do so. It is an easy thing for an employer to say that things are slack, when you know that the man is discharged for the other reason.

26. Have you ever had sufficient circumstantial evidence that would enable you to bring a case before the Court?—I do not think I have.

27. Is it not a pity that you state cases that you cannot prove?—I think I am only doing a public duty.

28. To produce evidence that cannot prove a case?—Evidence that could not be produced in Court.

29. And yet you come here and ask the Committee to believe a thing that you could not ask a Judge to believe?—Yes, that is about the position.

30. About those men who have gone to Feilding on account of losing their work: could you name one?—Yes. One was named ———.

31. There are how many?—I spoke of three. It happened to be connected with my own union—the Coachbuilders'.

32. And three coachbuilders had to leave Wellington for what reason?—On account of their prominent position in the union. One or two of them were secretaries of the Coachbuilders' Union.

33. Employed by what employers in Wellington?—By several firms. I believe one firm was ———.

34. Is it within your knowledge that these three men were to all intents and purposes shifted about because they were secretaries of the union?—I believe it is.

35. I am not asking what you believe: is it within your knowledge?—I believe it was; but I could not prove it in a Court of justice.

36. You had not sufficient knowledge of the case to bring it before the Court?—No.

37. Did you try and cross-examine them with that object in view—were you anxious to do so?—Yes, we tried over and over again. It is so difficult to prove such a case on account of the many reasons an employer can give for sacking a man.

38. I understand that you were anxious to establish a case?—Yes.

39. And you could not get sufficient evidence to do so?—Just so.

40. If you were anxious and could not get evidence, are you justified in giving such evidence here?—Yes, I believe I am saying what is true.

41. Is is only hearsay evidence?—No. In one case I was working in the same shop with the man.

42. It must have been hearsay evidence, or you would have been able to prove the case?—That is so.

43. As a zealous member of the union, you would have brought the case before the Court?—Yes.

44. Was the case brought before the Court?—No, it was not.

45. Yet you come to give evidence before this Committee that you did not take before the Court?—That is so.

46. Have you lost work in consequence of being identified with the union?—Yes.

47. Did the employer tell you so?—No.

48. Then how do you know?—I have been a carriage-painter since I was twelve years old, and I believe I am an expert man. I saw no reason why the employer should sack me and put an inferior man into my place at my wages.

49. Are you sure he is an inferior man?—Yes. I thought it was because the employer did not want me.

50. Did the employer tell you so?—No.

51. Did you know what was in his mind?—No, I am not a thought-reader.

52. You have been reading the thoughts of these employers?—I have been reading their actions.

53. *Mr. Poole.*] You know there are different ways of killing a dog besides hanging him?—Yes.

54. You are of opinion that the outstanding evidence, although not strong enough for an agent to get a conviction against the employer, is yet sufficiently strong to enable you to draw an inference that the men were dismissed from their occupation through their connection with the union?—Yes, and I think any labour man will corroborate what I say.

55. Do you think this intimidating influence is pretty generally abroad in the colony in connection with unionists?—I believe so.

56. And where there are two contending interests there is always a strained relationship?—Yes.

57. Especially where money is at stake?—Yes.

58. Attempts are made by employers to bring employees into subjection by getting them away from the unions?—Yes.

59. Are you of the opinion that smaller unions are likely to be prejudiced because of advertising the meetings in the newspapers?—Yes.

60. Where the unions are very small, is it found to be beneficial to have one secretary representing half a dozen of them, or do you think they would be better apart?—I think it is better where there are a number of small unions to have one secretary doing their secretarial work. We find that nearly all the successful unions are unions that are in that position.

61. Have they been worked successfully under that grouping system?—Yes.

62. How far does the preaching of socialism by the Wellington unionists interfere with the work of development of unionism at the present time?—I should say, not very much.

63. Of course it has been alleged that men who are dreamers have lost sight of the actual influence of unionism in their anxiety to grapple at what may be termed a phantom?—I think the unions will soon find out if a man does not successfully grapple with their difficulties.

64. In unionism there is a great forward movement?—Yes, a very great forward movement.

65. Do you see any redeeming features about this Bill?—Yes, there are one or two good points in it. I might mention the extension of the definition of the word "worker."

66. Do you think it would have been wiser on the part of the unions to have been more specific in their manifesto in respect to the various clauses?—I cannot say I do. The manifesto was framed by the committee of which I am a member and the secretary.

67. From a great many of the newspaper reports there is a general condemnation of the measure, without any approval whatever in connection with any clause: do you not think it would have been wiser to have said something in its favour?—I could hardly give evidence against the committee of which I am secretary.

68. *Hon. Mr. Millar.*] You object to the Industrial Councils on the ground that there are so many small unions: how many small unions are there that are not branches and that would not be covered by a general award of the Council?—I cannot give you the number.

69. There are not many. You read telegrams from the Otago, Canterbury, and Auckland Councils indorsing the manifesto?—Yes.

70. Do you think it at all likely that, after the manifesto issued, any Trades and Labour Council would pass any other resolution?—I do not see why they should not.

71. Do you think they would publicly announce that there was a split between the Trades and Labour Councils of the colony?—I think some of these wires came before the manifesto was issued. The Canterbury Council came out with one quite as strong.

72. Had you consulted with the Trades Council before you issued this manifesto?—Yes.

73. But it was published before the Trades Council indorsed it?—That might be.

74. The unions affiliated to the Council had no opportunity of seeing the Bill before you issued the manifesto?—Yes, they had. The principal part of it was published in the newspapers.

75. If that is the case, how comes it that so many unions are sending me their own comments on the Bill?—I do not know that they are.

76. The Christchurch Bootmakers have, for one; also the Miners', Painters', and Carpenters' Unions. I have got eighteen unions' replies now, which I will submit to the Committee at a later date, and they come from Auckland down to the South. You read a telegram from Invercargill, and I have a letter from the Trades Council there asking me to send a copy of the Bill down for them to discuss before coming to a final resolution?—The wire came to me as I read it. I have had no communication with Invercargill for some time.

77. The Bill is being dealt with by the different unions now?—Are the Wellington unions getting the Bill?

78. Yes, but not through certain secretaries, so that they can make their comments on it?—I am satisfied if members of the unions get the Bill and pass their opinions on it. Seeing that we represent the unions, I do not think it is ——

79. If you represent the unions, how comes it that the recommendations of the Trades and Labour Conference, passed by the representatives of the Labour party, are now opposed by you?—Well, on some minor points they may be.

80. The provision for the Magistrate to enforce awards is not a minor point?—It is a matter of opinion

WILLIAM THOMAS YOUNG examined. (No. 4.)

81. *The Chairman.*] What is your position?—I am a member of the Parliamentary Committee of the Trades and Labour Council.

82. Have you seen the Bill?—Yes.

83. And you have formed your opinion on it?—Yes, in conjunction with other members of the committee.

84. We shall be glad to know what it is?—I have committed to writing what I have to say on this matter, and it is a detailed statement of my evidence on the whole Bill. I might say that the members of this committee have not only thoroughly investigated every clause of the Bill, but have thoroughly investigated every word, and this evidence is a result of our investigations. I may add that the evidence I am about to give was placed before the committee and unanimously indorsed. Clause 3 of the Bill: For the reasons hereinafter given it is our opinion that this should be deleted from the Bill. Clause 4, subclause (1): For the reasons that will be hereinafter stated, we would urge that all the words after the word "Court," in the 22nd line, should be struck out, and for the same reasons subclause (3) should be deleted. In regard to the former portion of subclause (1) we are strongly of opinion that that should be permitted to remain in order that all disputes shall not be referred to the Court in the first instance—that is, providing for exactly what the annual conferences of the Trades and Labour Councils, and the whole of the labour unions, have been advocating ever since 1900, when, by amendment to the Act, power was given to either party to a dispute to refer it direct to the Court of Arbitration. Since then there has been little or no conciliation between employer and employed, and we have found ourselves face to face with practically a hard and fast system of arbitration only, inasmuch as in some ninety cases out of a hundred—and that we believe to be underestimating them—the disputes are referred direct to the Court by the employers. Clauses 5 to 17 inclusive: These purport to abolish the Boards of Conciliation, and replace them with Industrial Councils consisting of three representatives of the employers and three of the workers, with an independent person as Chairman

to be selected by the representatives mentioned. On behalf of those we represent, we enter a most emphatic protest to this suggested alteration, and strongly urge on the members of the Committee the desirability of striking the proposal out of the Bill. If this were carried we venture to predict it would place some ninety-five per cent. of the unions in New Zealand in a very awkward position, and, as a matter of fact, they would not be able to get men employed in the trade, or men who had been employed in the trade, to occupy seats on these Councils as workers' representatives, owing to the amount of fear of intimidation and boycott on the part of the employer after such cases had been determined by the Council. We would point out that in some sixty-five per cent. of the unions the officers and members are solely dependent upon the employer for the means of subsistence, and it is only in a very few cases where the union has a paid officer (the secretary), who is independent of the employer for his bread and butter. I have already said that it would be impossible for the unions to get three men to represent it on the Council, and that being so, how is the union to get three men to conduct its case before the Council? It is certainly true that the Bill makes provision, under special circumstances, and with the approval of the Minister, for persons who have not been or are not employed in the trade of which the union is representative, to represent the union on the Council; but whilst that is so we would point out that it would be almost impossible for the union to get a man, or set of men, who are dependent upon the employer for the living of themselves, their wives, and their families, to sit as union representatives on these Councils for the reasons that we have previously advanced. Whilst that is so in regard to the worker, it would be a very easy matter for the employer to secure his representatives, seeing that they are not dependent upon the other side for their means of subsistence, and consequently would have no fear of intimidation or boycott. Having these things in view we are satisfied that the Councils would not by any means give the worker a fair and impartial deal. What little success there may be in the present system of conciliation and arbitration is largely based on the fact of the representatives of the workers on the Boards and the Court being placed in an independent position of the employer, and it is only logic to say that if that principle holds good on the higher Court of Arbitration it equally holds good on any lower tribunal that may be established. In order to give an idea of how the workers view this proposal in the Bill we would point out that for a considerable number of years power has been given to the union under the Act to apply for the setting-up of a special Board of Conciliators to hear a dispute (such Board consisting of representatives appointed by each side), and whilst that is so there is only one single instance on record where the workers have availed themselves of that provision, and that occurred only quite recently at Auckland with the Slaughtermen's Union. In addition to that, serious delays would occur in the setting-up of the Councils, seeing that an application would have to go forth to the Clerk of Awards from either party to a dispute for the setting-up of a Council, and he would have to give written notice of such to the Minister, and the Governor, if he chose, might decide that such Council be established. On that being done, and provided the Governor was of opinion that the dispute was of such a nature as to warrant his ordering that the Council be set up, both sides would be required to forward the names and addresses of their representatives to the Clerk of Awards, along with copies of the citation from whichever party took the initiative, and on receipt of these the Clerk would fix a date, and subsequently notify the representatives, for the hearing. He would also be required to forward copies of the citation to each person cited to the dispute. Taking that into consideration along with the requirements of the Bill in regard to the posting of a ballot-paper and a notice of a special meeting to each member of the union, the consideration of the claims, the passing of a resolution to refer the matter to the Council, the counting of the ballot to confirm such resolution, the union secretary sailing round the city in an almost vainless attempt to secure three men to represent his union on the Council, we anticipate that fully two and a half or three months would elapse from the time the union commenced its proceedings till it got its dispute before the Council. It may be mentioned that the proposal to initiate the Councils has been strenuously opposed by the representatives of the Employers' Federation of New Zealand, and taking that into consideration, and the fact of the organized workers being opposed to the same thing, it would be altogether unfair, unjust, and unreasonable for the Legislature to force something upon us which neither side directly concerned in the industrial conflict desire; and it may also be pointed out that neither employer nor worker has asked for an amendment to the Act in this direction. Labour is perfectly satisfied with the principle of the present system, and we believe that, with a few amendments to the Act, as suggested by the last and subsequent labour conferences, and which we also believe will be of mutual benefit to the employer and employed, the present system of Conciliation Boards and a Court of Arbitration is the best that can be devised by Parliament for the settlement of industrial conflict and the prevention of strikes. Clauses 18 to 20 inclusive: These clauses propose to permit of appeals to the Arbitration Court from the awards of the Councils under certain terms and conditions. As we have already opposed the principle of the Councils, it is unnecessary for us to go into this matter at any length, except to say that labour is strongly opposed to any kind of an appeal. It may be mentioned, however, that if this were sanctioned it would be getting in the thin end of the wedge to appeal to the Supreme Court, and thence on, from the decisions of the Arbitration Court itself, and if that were permitted, we are satisfied that the man or person with the longest pocket would succeed on every occasion, and the worker would go to the wall. In view of that, we would urge that the principle of any kind of appeal be kept out of the system. Clauses 22, 23, and 25: These relate to the enforcement of awards. In this connection we would suggest that, after the word "award," in the 31st, 33rd, 34th, 35th, and 38th lines, the words "agreement or recommendation of the Board" be inserted. In this connection it may be pointed out that under the existing law if any person enters into any business in which an award of the Court is operative, that person is bound by its provisions; but this is not so in cases of industrial agreements and Board recommendations, consequently if any person enters a business in which

an agreement or recommendation is operative, he is not bound by their provisions, and the union is compelled to go through the usual procedure prescribed in the Act to bring that person before the Board or the Court in order to have him bound to either. This is not just to those employers who are bound by the terms of the agreements or recommendations, seeing that such person is permitted to unfairly compete during that time in which the union is moving to have him bound, and up to the time that the Board or Court may order that he be so bound. It is in order to overcome this difficulty that we ask that the suggested alterations be made to these clauses. Clause 24: In this we ask that the word "ten," in line 45, be deleted, and the word "five" inserted in lieu of same. This would make the maximum amount of fine that could be imposed upon an individual worker for breach of award £5 instead of £10. Having in view the maximum amount of fine that can be inflicted upon any one employer or corporation for any one breach of an award, we consider that a maximum fine of £10 on an individual worker is out of all proportion, and evidently the Supreme Court recognised this when it imposed only a £5 fine on each worker who was guilty of taking part in the recent slaughtermen's strike. Clause 26: We suggest that the word "person," in the second line, be struck out, and that the word "party" be inserted in lieu of same; and that in the third line, the words "or to any other person" be deleted. As the clause stands in the Bill it would be possible for the Magistrate imposing the fine to make it payable to the individual employer making the application, but no equal power is given to the Magistrate to make it payable to the union making the application, and in order that there may be an equal right we suggest the proposed amendment to the clause. Clause 27: For the reasons previously advanced we urge that this be struck out, seeing that it provides for appeals to the Court of Arbitration. Clause 28: After the word "payable," in the 16th line, we suggest that the word "may" be struck out and the word "shall" be inserted in lieu of it, and that all the words after the word "amount," in the 17th line, be deleted. By inserting the word "shall" in lieu of the word "may" it would be incumbent on the Magistrate inflicting a fine to file in any Court having civil jurisdiction a certificate specifying the amount of fine payable, and the respective parties or persons to whom the same is payable; but as the clause stands it would be optional for the Magistrate to do this, and it is in order that there may be no danger of bias to either side that we suggest the proposed amendment to the 16th line. It is in order that all fines may be recovered in like manner to civil debts recoverable in the Magistrate's Court that we ask for the words after the word "amount," in the 17th line, to be struck out. As the Bill stands, it provides that the order of the Magistrate shall be enforceable as a final judgment of a Court in its civil jurisdiction. In a few words, the final judgment of such a Court is "pay up, or go to gaol," and that is exactly what the clause here proposes. This we regard as being a most arbitrary and vindictive provision, seeing that it takes away from the person upon whom the fine is inflicted the right to adduce evidence to show that he is not in a position to pay the fine. Clause 30: This proposes to empower the employer to deduct from the wages of a worker a sum equal to 25 per cent. of his wages or other remuneration in order to meet any fine that may be inflicted upon him. This we regard as being one of the most arbitrary pieces of proposed legislation it has ever been our misfortune to glance at. In a few words it means that if a worker had £1 due to him at the end of the week the employer would have to deduct 5s. from his wages, yet that man might be in exceedingly poor circumstances, with a home to maintain and his wife and family to support, and it is they who would be the sufferers, more so than the man upon whom the deduction might be made. The law-courts have laid it down as a general principle, where a person is not in receipt of more than £2 a week, not to make an order for payment in liquidation of a debt. In those civil cases the worker has sufficient justice accorded him to produce evidence at the Court to show that he is not in a position to meet the debt; but under this proposal he is debarred of that right, and instead of receiving consideration for his domestic surroundings, State debt-collecting agents in the shape of the employer, are to be appointed to thrust from the pocket of the worker the amount of fine inflicted. Labour will tolerate a great deal, and as one of its leaders I think I am safe in saying—and I do so without desiring to influence by threat—that if this and other matters in this Bill became law they will create one of the greatest industrial upheavals that has ever been witnessed in Australasia. We consider that the channels of recovery existing under the present law are more than sufficient to meet all requirements. Only quite recently Mr. Justice Cooper decided that the fines inflicted on the workers in connection with the slaughtermen's trouble could be recovered. In a subsequent case Mr. Justice Williams held the contrary opinion. The latter decision was appealed against by the Crown, at the instigation of the Attorney-General, and the Appeal Court, by a majority of four to two, reversed the decision of Mr. Justice Williams, thereby holding that ample provision was made in the law to recover all fines inflicted by the Arbitration Court. It is certainly true that the power of ordering the employer to make the deductions is given to the Inspectors of Awards, and no deduction can be made until the employer is in receipt of a notice from the Inspector authorising him to collect; but whilst that is so, no provision is made for the Inspectors to hear evidence as to whether the worker is in a position to pay, and if provision was made, we hold on general principle that he is not qualified to determine such an important matter, seeing that it would vest in an uneducated person in legal procedure the same powers conferred upon a Magistrate. We are satisfied that the present law more than meets all necessary requirements, and we would again urge that consideration be given to the home, wife, and family of the worker by striking this drastic and cruel clause out of the Bill. Clauses 32, 33, 34, and 35: We suggest that the words "agreement or recommendation of the Board" be inserted after the words "award" or "awards" in each clause, for the same reasons as advanced in respect to clauses 22, 23, and 25. Clause 37: As we are altogether opposed to Industrial Councils, we suggest that after the word "arbitration," in the 39th line, the words "or by any Industrial Council" be struck out, and after the word "Court," in the 40th line, the words "or, in the case of an Industrial Council of," be struck out also, and that after the

word "money," in the 45th line, the words, "as a civil debt," be inserted, so that all fines inflicted shall be recoverable through the ordinary processes of the Courts. Clause 38: This pertains exclusively to Industrial Councils, and therefore we ask that it be struck out. Clause 39, subclause (1): In the 5th line, after the word "convened," we suggest that the words "by advertisement in some newspaper circulating in the industrial district in which the proposed application is to be made" be struck out, and that the words "in accordance with the rules of the union or industrial association" be inserted in lieu of same. If the proposal in the Bill were given effect to it would require the union or association initiating the proceedings to publish verbatim the resolution proposed to be submitted to the meeting, along with all other business so proposed to be submitted, thereby giving full information to the whole of the public as to the proceedings proposed to be taken. This would result in giving the employer a huge weapon to utilise against the union in its efforts to prove a breach, and seeing that the Inspectors of Awards are not required to comply with any such requirement, but can take action on their own personal initiative, we think it only just that a similar right should be conferred on the members of a union, who are considerably more conversant with the provisions of an award or agreement under which they work than the Inspectors. In addition to that, it will place considerable expense on the union, whilst no similar expense is placed on the Inspectors, and when you take into consideration the fact that the Court will not allow the union the full costs incurred in bringing a breach before it, it is only reasonable to ask that our suggestion be given effect to. In illustration of that I may say that in one successful case for breach of award that was taken by the Seamen's Union against W. and G. Turnbull and Co. it cost the union £7 1s. to get the case to the Court; a fine of £2 was inflicted, which was payable to the union, and 6s. was allowed as costs. The result was that the union was the loser to the extent of £4 15s., or, in other words, punished to that extent for taking action to enforce the award that had cost it considerable time and money to secure. Clause 44, subclause (1), paragraph (*a*): For the reasons that have already been advanced in respect to clause 39, we suggest that this be struck out. Clause 45: This purports to limit the time to within three months in which a worker can successfully proceed to recover the difference between the wage specified in an award or the law and that actually paid by the employer. In this connection we would point out that wages usually become payable at the end of each week, consequently, if a worker on receiving his wages was £1 short of the award rate and he failed to take action to recover the balance within three months the clause would not only prohibit him from ever securing the amount, but it would make the employer, who had evaded the award, a present of the deficiency; this would, no doubt, lead to the employers doing all kinds of possible things to evade payment of the minimum rates prescribed in the ward. In addition to that, it must be borne in mind that the employer has a powerful weapon to exercise against the worker, seeing that the latter is solely dependent upon the former for his means of subsistence, and the worker is usually somewhat loth to taking action against the employer in matters of this kind. If the whole of these cases are investigated, it will be found that some ninety-five per cent. of the actions have been taken after the worker has left the employ of the employer who has been guilty of paying a lesser rate than that prescribed in the award. In view of those things, which are merely a few out of many considerations, we would suggest that the time be limited to within three months after the worker has left the employ of the employer who has been guilty of paying under-rates, and if he fails to take action to recover the full amount within that time power of recovery be vested in the Inspector of Awards, in order that the deficiency shall not be handed over to the employer, but shall be paid into the Public Account. Clause 47: This clause proposes to confer on the Arbitration Court power to order that the non-unionists shall contribute to the funds of the union, in accordance with its rules, an equal amount to that payable by an ordinary member, and further provides that the Court may revoke such order on the application of the employer or worker affected thereby. This may be safely regarded as the reply of the Government to the request or organized labour for unconditional compulsory preference of employment to unionists, but it is a reply that will not be indorsed by ninety-nine per cent. of the unionists of the colony, seeing that it is an attempt to abrogate a long-fought-for principle—a principle that the Watson Federal Government preferred to go out of office over rather than sacrifice, besides failing to place on the shoulders of the non-unionists equal responsibility with that of the unionists. Under this clause it would be optional for the Court to say whether a man or set of men should contribute to the funds of a union, identically the same as the Court has at the present time power to order that preference of employment shall be granted to unionists. It is certainly true that one of our arguments in favour of unconditional compulsory preference has been that the non-unionist derives all the benefits of an award but does nothing to maintain the institution that has gone to considerable expense, both in time and money, to confer those benefits upon him; but whilst that is merely one point of argument in favour of preference, we have to point out that many others of equal importance are worthy of some, if not more, consideration, and perhaps one of the most important of these may be put under the heading of "equal responsibility." According to law a union is held liable for all its actions under the Conciliation and Arbitration Act, and one of those liabilities is a maximum penalty of £500. If such a fine was inflicted, and the union had not sufficient assets to meet the liability, every individual member could be called upon to pay a maximum amount of £10 in order to meet it; but such is not the case with the man who is merely required to pay the usual subscription to the union in terms of clause 47 of this Bill. The whole of his responsibility would commence and end in paying a shilling or two shillings a month to the funds of the union, and it would be altogether impossible for the union to call upon him to pay his share with the unionist of any fine that might be inflicted. Further than that, it would be within the bounds of possibility under this proposal for the employer to induce men to withdraw their membership, and this could be carried on to such an extent as to result in killing the union outright, and thereby defeating the objects of the whole clause. In

addition to that, it would cause considerable inconvenience and expense, as the union would be required to collect from the non-unionist the amount of subscription and keep a separate set of books showing their payments; and besides that, it has been stated by the Minister that all such moneys collected must be placed to an unemployed and sick benefit fund for the benefit of those who subscribe. Labour wants nothing of this description. We desire out-and-out preference from the Legislature or nothing, and until Parliament is sufficiently democratic to give us that we are willing to leave the issue of preference to the Court to deal with. We are strongly opposed to the whole of this clause, as we consider it places on one side a fundamental issue in the labour movement, and if given effect to would result in doing organized labour a gross injury, and we therefore ask that it be struck right out of the Bill. Clause 48: After the word "award," in the 49th line, we suggest that all the words be struck out. If that is done it will then be incumbent to have a complete copy of the award posted up, whereas under the clause at present it is only required that there shall be posted up a copy of the award in respect to the lowest prices or rates of payment only. With the suggested amendment we are in accord with the clause. Clause 51: This provides that where a union is a branch of or affiliated to any society of which the central head is outside the colony, it shall retain in New Zealand at least three-fourths of its assets. We are strongly opposed to this clause on the ground that it places a considerable restriction on the union in respect to the application of its funds, besides being contrary to the trend of legislation in Britain since the Taff Vale decision. We learn on good authority that this clause has been put in the Bill at the request of an officer of one union only—namely, the Marine Engineers, which body cannot be regarded as a legitimate body of workers; and, as it has not been asked for by the remainder of the unions, but on the contrary, strongly opposed, we ask that it be struck out of the Bill, or, as a compromise, the option given the union to retain its assets in the colony if it so desires. Clause 52: This purports to prohibit unions from registering under "The Trade Union Act, 1878." Clearly the intention of this is to prohibit the duplication of unions, but as the clause in the Bill stands it would entirely prohibit any union from registering under the Trade Union Act, and in order to overcome that we would suggest that the following clause be inserted in lieu of the one in the Bill: viz., "The Registrar of Trade Unions shall refuse to register a union under the Trade Union Act in any case where he is of opinion that in the same locality or industrial district, and connected with the same industry, there exists an industrial union to which the members of such applicant union might conveniently belong." This suggested clause is following up the principle contained in section 11 of "The Conciliation and Arbitration Act, 1905," and we strongly urge its adoption upon the Committee. Clause 53: To all practical intents and purposes this is a dictation to the unions as to whom they shall have for their officers, seeing that it provides that no person shall be eligible to hold the position of an officer, or a seat on the management committee of any union, who has not been employed in, or is not employed in, the trade the union represents. We are strongly opposed to this becoming law, as it not only deprives the unions, especially the small ones, of certain liberties they now enjoy, but imposes on them considerable hardship. According to parliamentary return of this year there are forty-two unions in the City of Wellington proper, and out of that number no less than thirteen would be deprived of the services of their secretaries, to say nothing of the other officers and members of the committees, if this clause were made law. Having that in view, we consider, or estimate, that some forty per cent. of the unions in the colony would be deprived of their principal officer. It should be borne in mind that one of the cardinal features of the principle of conciliation and arbitration was to encourage the formation of unions, and we are satisfied that this provision would have the contrary effect, seeing that it is almost beyond possibility for a number of men desirous of forming a union to get one or several of their number to undertake the duties devolving upon an officer, owing to the fact of such undertaking bringing them into direct conflict with the men upon whom they are dependent for their bread and butter. Our experience is that the large majority of those unions who have as their officers men dependent upon the employer for the means of subsistence appeal to men independent of the employer to represent them at conferences and to conduct their cases before the Boards and the Court, and if that is so in those cases, does it no indicate that the unions should be given a free hand in the selection of their officers? That is all I have to say in connection with the Bill, Mr. Chairman.

FRIDAY, 20TH SEPTEMBER, 1907.

JAMES THORN examined. (No. 5.)

1. *The Chairman.*] What are you?—President of the Canterbury Trades and Labour Council.
2. Living in Christchurch?—Yes.
3. Have you seen this Bill, known as the Industrial Conciliation and Arbitration Act Amendment Bill?—Yes.
4. Whom do you represent here?—The Canterbury Trades and Labour Council.
5. Any other body?—No. Not at this meeting, anyhow.
6. May I ask if this Bill has been submitted to your Council?—Yes.
7. Have you been appointed to give evidence in regard to it?—Yes.
8. Will you tell us what the opinions of your Council are?—I may say that I do not intend to make any extended statement in regard to the attitude my Council takes up in connection with the Bill. Mr. Westbrooke and Mr. Young, in giving evidence, have practically used all the arguments that appealed to us when the Bill was considered by our executive. The Bills Committee of the Canterbury Trades and Labour Council, which has power to act on behalf of the Council without consulting the Council, considered the Bill of such importance that it called in the executive

of the Council, and they jointly considered the Bill with the object of coming to some decision for the consideration of the Council or otherwise. The Parliamentary Committee and the executive sat on two evenings and exhaustively discussed the measure, and the two committees appointed me to draft a manifesto embodying the decisions for presentation to the Council, and at the meeting of our Council, attended by seventy-five or eighty delegates—there being forty or forty-five unions affiliated—the manifesto was approved as submitted by a majority of thirty or thereabouts. I think there were only about sixteen votes recorded against the manifesto. Mr. Young and Mr. Westbrooke, as I said, have practically used all the arguments adduced by us, and I ask to be permitted to put a copy of our manifesto in. I will also supply a copy to the members of the House of Representatives and the Legislative Council. In connection with the proposed Industrial Councils, we are of opinion that this consideration ought to weigh with the Labour Bills Committee, that in a very large number of our unions—and I have had some association with a great many of them—I find that there is a very great lack of leaders, a very great lack of men with intelligence and intellectual development enough to enable them to meet their employers in conference will win. It appears to us that in the Industrial Council all that each side has to do is to convince the Chairman, and the side that can put its case forward in the best way will, in consequence, appeal to the Chairman, and, of course, affect his decision. I know this: that in the Slaughtermen's Assistants' Union, in the Manure Hands' Union, and in practically the whole of the meat trades and in the Farm Labourers' Union you will not find men who can sit with their employers and hold their own, because the employers' weight and influence will counteract theirs in the eye of the Chairman. That is the position. I can bring cases to show that unions in the meat trade that have conferred with their employers have got considerably worse conditions through the agreement than the Court has awarded in the same line of industry. As an instance, take the manure hands: The Court in Gisborne made an award by which the manure hands there got 8s. a day. That was 1s. rise. The other men connected with them got 7s. 6d. a day, and that was 6d. a day rise. I was conducting the case of the manure hands in Christchurch when, just in the middle of the case, the employers brought in an agreement which had been arrived at with the men in South Canterbury within a week or two of the Gisborne award, and in the agreement provision was made for 10½d. per hour and the same conditions that they had been working under. The President of the Court told me as plainly as language could speak that he would have granted the Gisborne award, which meant 1s. rise to some of the men and 6d. to others, but in consequence of the South Canterbury agreement the Court awarded the same to the North Canterbury men. I used some strong language about it, but what can one do? That is just one of the arguments that ought to be taken into consideration by this Labour Bills Committee; the others have been touched upon very fully by Mr. Westbrooke and Mr. Young. One of these is that the men have to run the risk of intimidation. This intimidation is a fact—I know it. I have been connected with the Farm Labourers' Union for the last four months, and I found this—if statements of men can be relied upon at all—that one of the greatest difficulties we have to meet in the organization of these farm labourers is the wholesale intimidation which the men have to put up with from the employers. You had Mr. Kennedy, of the Farm Labourers' Union, giving evidence before this Committee the other day, and I see this matter cropped up in connection with the Agricultural Labourers' Accommodation Bill, and I know it to be a well-known fact. There is a man named ———, who listened to Mr. Ell delivering an address at Ashburton on behalf of the Farm Labourers' Union and joined the union there. I had some correspondence with him, and considered he was a very good man. I suggested that he should take a book of tickets and obtain members in the Ashburton district. He got thirty-two members in five days, and on the sixth day he got a week's notice. Of course, I could not prove this in a Court of law, but I intuitively felt that that man got the sack through taking an active part in union matters, and I know I am right in stating that. Take another case: A man named ——— was working for Mr. ———, who is well known to all here, although he was not directly responsible for the dismissal. The Taitapu Branch of the union had a meeting, and passed some pretty stiff resolutions about certain things. These resolutions were published in the newspaper, and within three days Mr. ——— got a week's notice. Take the case of the Livery-stablemen's Union: I subpœnaed two witnesses. I knew a bit about these men's business, and in examining the witnesses I got just what I wanted. One of them had been in the employ of ——— for ten years, and was foreman of one of his branch stables. The case began on a Friday, and concluded on the Saturday morning, and on the following Monday the man got the sack before the case was adjudicated upon. Another man gave similar evidence, and on Monday morning he also got the sack. Of course, we cannot prove these things in a Court of law, but they are facts all the same. There is another case, that of the meat-preservers, a union formed about six months back. Most of the members work in Islington—there may be five or six at Belfast. Mr. Hatton was president of the union. He was not president of the union very long. He got the sack, although he was a competent man in the line of work for which he was employed. He got the sack, and has been roaming about Christchurch ever since, and cannot get work. Mr. Kennedy, organizer of the Farm Labourers' Union, has been sacked time and time again. The thing is going along in a wholesale way, and everybody knows it, and the sooner the members of this Labour Bills Committee get to know it the sooner they will be able to deal with the trade-union movement. These things ought to be taken into consideration when members of this Committee propose to adopt the Industrial Councils in place of the present Conciliation Boards. I might state here that when the Hon. Mr. Millar made a statement that the Christchurch bootmakers had passed a resolution approving of the Bill, I thought it just as well to get the facts. I wired to the Christchurch Union, and the Bootmakers' Federal Council replied, "Bootmakers' Federation condemn Arbitration Bill.—WHITING." Here is another telegram I got from the treasurer of the Bootmakers' Union and secretary of the Trades and Labour Council: "Union not dealt with Bill.

Federal Council recommends cancellation of registration if Bill is carried. Tramway, Aerated Water, Domestic Servants oppose it." I might say that, in addition, the Tailoresses' Union passed a pretty stiff resolution against the Bill at the instigation of the Council of the Tailoresses' Federation, and I know that other unions in Christchurch oppose it on the lines of the Canterbury Trades and Labour Council's manifesto. There might be a few in favour of it, but the opposition to the Bill is general. With reference to clause 53, I might say that the clause will affect the following unions in Christchurch: The tailoresses have their president, vice-president, and secretary outside the industry; tailoring trade, secretary; freezers, secretary; Livery-stablemen's Union, secretary; engine-drivers, secretary; meat-preservers, president, secretary, and auditors; plasterers, secretary; millers, secretary; slaughtermen's assistants, secretary; metal-workers, secretary; dairymen, secretary; moulders, secretary; farm labourers, president, secretary, treasurer, auditors, trustees; grocers' assistants, secretary; brickmakers, president; brewery employees, president and secretary; cycle trade employees, secretary; hairdressers, president; aerated-water workers, president; domestic workers, ; and tramway employees, secretary. We find this happens. Take, for instance, the meat-preservers: Their president was dismissed, and they could not get any meat-preserver to take the position. Some one had to fill it, and the meat-preservers asked me to take it. I have not attended many of their meetings, and I do not know their opinion of the Bill—they have never discussed it—but I know that not one of them would take up the position of president or secretary of the union. Other unions are in just the same position. The moulders are in a similar position, and that is a fairly large union as unions go down there. The Council of the Federation of Tailoresses object to the Bill because all along they have had to get officers from outside the union. The livery-stablemen have been prejudiced in the way I have already pointed out. The millers just the other day wrote me a letter asking me to take over the secretaryship. Let it be borne in mind, too, that we do not go chasing after these secretaryships. I do not get anything from the Farm Labourers' Union, and I am living on money of my own. The slaughtermen's assistants came to me in the same way, and the dairymen have gone to a gentleman named Mr. Darcy. In connection with clause 53 I might say that some time ago a Mr. Gohns, of Christchurch, who is now in the Labour Department at Wellington, was boycotted by the tailors' employers in Christchurch, and the man could not get a position anywhere. His own union paid him £2 10s. a week as a retaining-fee until the Court came along to take their case; but gave him to understand that as soon as the case was over the retaining-fee would not be paid. When the case was finished Mr. Gohns lost his £2 10s. a week, and having a wife and children to keep and rent to pay, he had to do something. An appeal was made to the Canterbury Trades and Labour Council, and the result was that eight or nine unions in Christchurch federated themselves for the purpose of employing him as a permanent secretary. They called themselves the Permanent Secretary's Federation of Christchurch, and Mr. Gohns was asked to occupy the position of secretary. This was done to relieve a position created by the intimidation practices of the employers—by the boycott of the employers. Under clause 53 of this Bill the unions could not have employed Mr. Gohns, and as he could not get work his wife and children would have suffered. The unions found that during Mr. Gohns's occupancy of the position they could get their work done efficiently and economically, and since Mr. Gohns has been appointed to a position in the Labour Department another gentleman has been put in his place. We are driven into the position of employing paid secretaries—paid agitators, as they are sometimes called—because it is dangerous for any one to take an official position in any union. I do not wish to say much more in connection with this Bill. All we intend to say is embodied in the manifesto, which explains what we approve of and what we disapprove of. We approve of five or six provisions in the Bill. We approve of clause 21, subsections (1) and (2), sections 40, 41, 42, 43, and 44, which are practically all we do approve of.

9. *Mr. Ell.*] What about clause 49?—We disapprove of that.

10. What is your objection to clause 50?—We object to that on the ground that the Inspector is simply an employee of the Department, and the situation may arise when the Inspectors may be instructed to issue permits indiscriminately. The time may come when the Inspector may have to act according to the instructions of the Minister. It is difficult at the present time to prevent issue of permits when the Chairman of the Conciliation Board gives the permits, but it might be worse if this provision became law. The secretary or president of the union and the employer concerned ought to be allowed to issue the permits.

11. Are you aware that the provisions of subsection (1) of clause 50 are covered by the provisions of the Act of 1895, giving the unions the power of consultation?—I think the Chairman of the Conciliation Board is a much more independent person than the Inspector of Awards.

12. Do you believe in a working-man being able to rise to the position of a captain of a ship?—Certainly.

13. And if qualified for that position, you think he ought to make as good an employer as any one else?—Yes, certainly.

14. How is it that witnesses in union cases are not marked men?—I just explained to you in my evidence that witnesses are marked men. In a case I conducted myself two got the sack before the case was adjudicated upon.

15. You know that cases must be conducted with witnesses: there are hundreds of cases, and you can only point to two where the men have been punished?—The three representatives, if the Industrial Councils clause goes through, will be the very best men in the union. The employers will know that, and as they do not like unionism—especially when it is against them—they will see to it and take the backbone out of unionism by intimidating these men. Intimidation! it is general all over the place.

16. I know there are cases of intimidation, but they are the exception to the rule: you admit that the Conciliation Boards as at present constituted are practically useless?—Under the present Act, yes.

17. And the Act might just as well be repealed so far as the Conciliation Boards are of any use to the workers?—I do not say that at all.

18. I am talking about the position as it is now, not as we should like it to be?—I do not say that any of the provisions concerning the Conciliation Boards should be repealed at all, with the exception of clause 60.

19. You said that the Conciliation Boards as at present constituted were practically useless?—Yes, they are practically useless under the present Act.

20. That being the case, would it not be better to have something in their place to do the work of conciliation?—No, not at all. We want the Government to restore the Conciliation Boards to their position of usefulness and to give some finality to their judgments. We have been asking for that at Conference after Conference.

21. If they had the power to conciliate, and the workers had the power to appoint members of their union to it if they thought fit, with the option of going before a permanent Board, would not that serve the purpose?—I have just pointed out the reason that there is too much inimidation going on, and in the Industrial Councils the side that could convince the Chairman would win. The superior education of the employers will result in the employers winning practically all the time.

22. Is it not a fact, in connection with the Bootmakers' Union, that four consecutive agreements have been fixed up voluntarily between representatives of the union and the employers, and that that also applies to a number of other awards in force?—It is perfectly true, but the bootmakers of Canterbury said they would use the Board every time, but it is no good, because if one employer gets up and says he will not agree the case is referred to the Court.

23. Are there not plenty of cases where, in the bigger unions, they would be able to supply the men?—Yes, but they object to the principle of the Industrial Councils. They stand to the Conciliation Boards.

24. The purpose is the same?—We hold that they are different, although the intention may be the same. The intention of the Minister may have been honest, as Mr. Young said.

25. *Mr. Poole.*] Do you think it is impossible under the Bill for the small unions to be able to carry on?—In a great number of instances.

26. And the matter is of vital importance?—Most vital importance.

27. *Mr. Arnold.*] When I had a little to do with arbitration cases it was the custom of those who were conducting the cases to subpœna some of the witnesses—although they might be quite willing to give evidence—so that they could say to their employers, "I am compelled to go to the Court, and when there I must tell the truth": is that the custom to-day?—In cases I conducted a month or two ago I subpœnaed several witnesses, and that was the argument the men said they would use to their employers if they objected to their appearance in the Court.

28. *Mr. Hardy.*] Who is usually the Chairman of the Board?—They are appointed by the Governor.

29. Does the Governor act wisely in appointing them?—In some instances we consider he does, in others we consider he does not.

30. Would you like to have the appointment, or the Governor?—I should like to see the Board itself appoint the Chairman.

31. Do you not think the Chairman should be a man who is neutral—who should be fair?—Certainly.

32. In your experience, have the Chairmen been fair?—I have not had much experience of Conciliation Board work—the Boards have been practically put out of operation by clause 60 of the Act.

33. Have you heard that they were fair?—I should say they were very impartial men.

34. You would not really condemn them all because some one might have been partial?—I have never said a word about the Conciliation Boards.

35. You said something about the side which could convince the Chairman would win: if a Chairman can be influenced, how can he be fair?—If I were in the chair, and an educated man sat on one side and an uneducated man sat on the other, and the educated man put the position to me so plainly that I could understand it and the other man put it to me in a way that I could not understand, it is ten chances to one that I should lean to the opinion of the man who made me understand.

36. You would rather judge by the statement of the educated man than by the evidence before you?—I would judge according to the evidence, certainly.

37. You would rather prefer a chairman or umpire that was leaning to your own side?—Oh, certainly. We want as much as we can get.

38. *The Chairman.*] Do you mean to say that, according to the experience you have had before the Arbitration Court as a representative, you find that in litigation the employers' representatives, with better education, business methods, their more accurate use of words, and keener perception of meanings, can intellectually and argumentatively surpass the average union representative, the average representative being from the union?—He would on the Industrial Council, but before the Courts we have our own representatives, and they, under the provisions of this Bill, would be out altogether.

39. That is not an answer to my question as to whether you consider the employers' representative can surpass the average unionist?—I should say he could surpass the average unionist.

40. Under this Bill the average unionist will have to be the representative?—Yes.

41. *Hon. Mr. Millar.*] You gave some cases where men have been sacrificed through their connection with unions: that is under existing conditions?—Yes.

42. Are you going to stop that?—No, I do not say so; but the Industrial Councils will make it more general.

43. It will make it more general than having the men subpœnaed?—Yes, the subpœna protects him in very many cases.

44. In the cases you mentioned it did not?—I mentioned five cases. With three there was no subpœna at all.

45. Supposing the Conciliation Boards remain, is that cause going to be removed—the risk the men run?—It may not remove the risk any particular man runs, but the Industrial Councils will extend the risk, because they will prevent the permanent secretary, who is not working at the trade, from sitting on the Council and adjudicating on behalf of the union for which he is secretary.

46. The permanent secretary can only conduct a case before the Board at the present time by calling witnesses who do know something of what they are talking about?—Yes.

47. You laid great stress on the fact that the Government had not agreed to the representations made at Conference after Conference in connection with the Conciliation Boards?—That is right.

48. You also gave us the clauses that you approved of in the Bill?—Yes.

49. Have not Conference after Conference agreed that breaches of awards should be taken before the Magistrates?—Yes.

50. Why did you not state that you agreed to that?—It is in the manifesto. I may say that we have made a suggestion that assessors should sit with the Magistrate if he so desires.

51. That is creating a special Court: for the last five Conferences you always agreed that assessors should sit with the Magistrate?—Yes.

52. That was not approved by the Wellington manifesto?—I think it was stated by the deputation that they did approve of the provision.

53. As far as the Wellington manifesto goes, it did not state anything of the kind, and that is the thing that has gone forth?—I understand the deputation said it did agree.

54. They said that the Conference had agreed to this. You say that all the unions connected with the Trades and Labour Council of Canterbury have so far indorsed this manifesto?—I never said that.

55. Those that have dealt with it?—All that I know who have dealt with it have indorsed it.

56. I think you are secretary of the Farm Labourers' Union?—Yes.

57. What part of the Bill are they opposed to?—Clause 53. The Farm Labourers' Union have not discussed the Bill. We only had one copy of it when we met at the annual meeting at Leeston.

58. This letter was sent to me: "Canterbury Agricultural and Pastoral Labourers' Union, 2 Antigua Street, Christchurch, 11/9/07.—DEAR SIR,—I am instructed by the above union to forward to you the following resolutions, which were passed at our annual meeting, held on Saturday, August 31st, 1907, in Leeston. The union sincerely trusts that these resolutions will receive your most favourable consideration.—JAMES THORN, Secretary."?—Yes. I may say that we had no time to discuss the measure. I wrote to Mr. Tanner, and I think by mistake I sent the letter to you, asking that forty copies of the Bill might be sent. I wanted the branches to discuss the Bill.

59. You say that this letter was not intended for me at all?—Yes, that letter was intended for you.

60. The only clause that the union takes exception to is clause 53?—As I have said, the union did not have time to discuss the Bill. When it came up it was half past 10 or 11 o'clock, and I and some of the officers had to ride home thirty miles, and it was raining very heavily.

61. If clause 53 had not been in the Bill, do you think there would have been the same amount of opposition?—Yes, just as much. There is only one permanent secretary in Christchurch, and the opposition there is just as strong as it is in Wellington to most of the clauses in the Bill.

THE ARBITRATION LAW.—CANTERBURY TRADES AND LABOUR COUNCIL'S MANIFESTO.

[Extract from *Lyttelton Times*, Monday, 9th September, 1907.]

A special meeting of the Canterbury Trades and Labour Council was held on Saturday evening, Mr. J. Thorn presiding, to receive a report from the executive regarding the Conciliation and Arbitration Act Amendment Bill. The report was adopted, and it was decided that copies should be sent to all members of the House of Representatives.

Mr. Thorn was appointed to give evidence regarding the Bill before the Labour Bills Committee of the House.

The following is the text of the report:—

The Parliamentary Bills Committee of the Canterbury Trades and Labour Council, together with the executive, after having most carefully and exhaustively considered the provisions of the Conciliation and Arbitration Act Amendment Bill now before the country, strongly recommends the Council to adopt the following manifesto:—

To the members of trades-unions throughout Canterbury,—

FELLOW-WORKERS,—

As the executive of organized labour in this province we desire to place before you for your guidance and assistance our views with respect to the Conciliation and Arbitration Act Amendment Bill lately introduced by the Government. Recognising the importance of this measure, inasmuch as it vitally affects our movement, and knowing the danger of making recommendations after imperfect consideration, we have taken every precaution in mature deliberation, serious thought, and in a desire for the well-being of our movement, to insure that only the most reliable recommendations shall be made to you, so that in urging you to support our decisions we are confident that you are being asked to occupy a position which, in our judgment, from the point of view of the welfare and character of the principles of trades-unionism is safe and impregnable.

Industrial Councils.

We disapprove entirely of the abolition of Conciliation Boards and the institution of Industrial Councils. In our opinion the institution of Industrial Councils as provided in the Bill must operate on many unions so as to cause much inconvenience and embarrassment, and some unions, the smaller ones, it must affect very harshly. In addition to this objection, there is great danger, especially in the case of the union representatives who defend their unions' demands as they ought to be defended, that the risk of the employers' prejudice will be extended. With regard to the first point of objection, it is quite conceivable that in the case of small unions, and especially new unions, there would be great difficulty in securing three men with capacities great enough and with the knowledge of procedure which is indispensable, to justify the hope that the case would be efficiently conducted. This must result in unsatisfactory awards and consequent irritation and bad feeling. The second objection may not be so serious in great cities, where the opportunities of employment are comparatively numerous; but in New Zealand, where the industries are comparatively small and the chances of employment consequently restricted, it assumes a very different aspect, and inevitably commends itself to us as a cogent reason why the proposal to establish Industrial Councils should be opposed. Further than this, we see no reason why our agitation for giving the Conciliation Boards extended powers, and thereby restoring to them their dignity and usefulness, should be disregarded. If expert knowledge is required the Boards are now empowered to call it to their assistance under clauses 51 and 52 of the principal Act. This ought to meet the position that the Boards have sometimes to deal with matters "they know nothing about." And if it is logical to propose the abolition of the Boards because they sometimes have to deal with matters "they know nothing about," does not the same logic constitute the severest of possible indictments of the present Arbitration Court system? This is most foolish, but it happens to be the position in which the Government has placed itself. Our opinion is that what is wanted to secure that a fair award shall be given is not the appointment of experts to an Industrial Council, but the appointment to the Conciliation Boards of men who are capable of weighing the evidence given by experts from the witness-box. Confer upon our present Boards the same powers as are vested in the Industrial Councils under the Bill, increase the number of each side's representatives from two to three, make it necessary for two from each side to form a quorum, and then there will have been introduced a better system of conciliation and arbitration.

With regard to the right of appeal, we agree to it if it is applied to the awards given by the Conciliation Boards. If not, then the position is ludicrous. To establish a Council of experts, to give it power to made an award, to give parties a right of appeal to the Arbitration Court against such award, and to make the decision of the Arbitration Court—the non-expert body—final, is, to put it mildly, ridiculous in the extreme. However, we agree to giving parties a right to appeal against the decisions of the Conciliation Boards on lines laid down in the Bill as applying to Industrial Councils.

Industrial Agreements.

We approve of the proposal to extend industrial agreements to the whole of the employers when it is shown that the employers bound by the agreement employ a majority of the workers in the industry. Also, we agree with the clause making agreements as enforceable as awards of the Court. We have been asking for this for years.

Enforcement of Awards.

We approve of clause 22, empowering Magistrates to enforce awards. This will probably remove the condition which has caused more dissatisfaction than anything else—namely, that of hanging up applications for enforcement until a sitting of the Court. We would suggest, however, that a subsection be added to the clause giving the Magistrates power to call in experts to sit with them. It this is added this clause will grant what we have been urging at Conference after Conference.

Liability of Members.

Clause 29 makes individual members liable for the payment of a fine which the union or association does not pay within one month after an order to that effect is filed. The individual liability is limited, however, so as not to exceed £10. We object to this clause on the ground that in the case of workers' unions it is certain that the total amount of the fine will be paid, whereas in the case of employers' association it is not so certain. An employers' association may consist of two persons. If an association of this membership were fined £100, and refused to pay, all that the State could possibly get would be £20. This is grossly unfair to the workers' unions, and consequently we strongly disapprove of it.

Payment of Fines from Wages.

This is certainly one of the most reactionary clauses in the Bill. To give an employer such power over his worker as to deduct fines from his wages is to go right back to the days of feudalism, and make the worker a serf to his master. And, further than that, it is a direct contradiction of the principles of "The Truck Act, 1891," and "The Wages Protection Act, 1899," and is contrary to the spirit of all our labour legislation. We call upon all unionists to make a united protest aginst this obnoxious principle.

Contributions to Unions.

The proposal to secure contributions to unions from non-members is a politician's way of circumventing what seems to him a difficult question, and it shows a complete disregard of the great principle which the trades-unions hold dear. We have been fighting to secure the recognition of the principle that the man who bears the brunt in the fight for better conditions is entitled

to preference of employment over the man who risks nothing but takes all that he can get. In the struggle for better conditions we have been animated not merely by desire for material gain, but by feelings of fraternity. There is the spirit of unionism. We have demanded that that spirit shall be recognised, and the reply is that there is no spirit of unionism, but that the movement is actuated by the mercenary motive of the piling-up of money. Let it be said plainly and with no uncertainty that we are not in the business to accumulate funds for the funds' sake, but to propagate our ideas and to make unionists. If we cannot make men unionists we do not want their money. If we can make unionists we want them and not their money. With much money and few unionists we can do little; with many unionists and little money we can do much. The proposal of the Government is iniquitous, because it compels non-unionists to contribute to a cause in which they do not believe, and compels unionists to accept funds from men who feel no sympathy with the union ideal. We have fought our fight without financial assistance from unsympathisers in the past: we can do it in the future.

There is another reason why we should oppose this clause. This is not a sentimental reason. It is that this clause, even if we were out after the money, would assist the employers more than it would us. Comparatively speaking, the employers are unorganized. They are not assisted in their movement for organization by any altruistic feelings, consequently organization is difficult. So therefore any provision that would round up the employer who believes in his individualism and compel him to contribute to an employers' association funds would be, and as a matter of fact is, welcomed by the employers who understand the strength of combination. Thus the effect of the clause would be to strengthen the employers' associations, so that progress as we conceive it would be met and impeded by an organized-employer class. For these reasons we oppose the clause, and stand by our old-time demand, unconditional statutory preference to unionists.

Issue of Permits.

We have no hesitation in calling upon unionists to demand the complete deletion of the clause providing for the issue of permits by Inspectors of Awards. It is difficult enough as it is to maintain the minimum wage prescribed in our awards. Undoubtedly our difficulties will be enormously increased if this clause is allowed to pass. We have no confidence in the proposal to place so important a matter in the hands of an Inspector, who, after all, is subject to the whim and caprice of his departmental head.

Management of Union Funds.

We have heard no complaints from the unions affected by the clause (51) already in the Bill. As a matter of fact, they have suffered no injustices through the present method of disposing of their funds, and we cannot understand why the Minister has seen fit to interfere when there is no cause. The proposal, however, which is not in the Bill, but which, the Minister has stated, will be submitted to the Employers' Association for approval before insertion, dictating as to the manner in which a union shall employ its funds, is a most disgraceful and unjustifiable interference with a union's right to deal with its own funds in its own way. We hold the opinion that the people who are most capable of managing funds are those who contribute them, and if it can be shown that those funds have been secured and are being used without the infringement of the public well-being, it is an outrage that any external power should interpose with regulations as to their disposition. We most strongly resent this violence to the liberty of unions, and protest with all our strength against so pernicious a suggestion.

Registration of Unions.

We disapprove of the provision preventing unions from being registered under "The Trade Union Act, 1878." This seems to us to be an insidious attempt to rope every union in under the Conciliation and Arbitration Act. With this Act sprinkled with penal clauses as it might be, many new unions may have conscientious objections to registering under it. They ought to be given freedom to please themselves as to which Act they prefer being registered under.

Officers of Unions.

The provision that officers of industrial unions must be engaged in the industry to which unions are related is, perhaps, the most despotic and sinister clause in the Bill, and it is only another of those meddlesome interferences in the internal management of the unions. It comes ill from a Minister who gained publicity and prominence by trade-union agitation, that he should lend himself to the action of restricting the work of trade-union agitators by penal provisions. What right has he or anybody else to say whom a union shall employ? And what harm is there in the union employing a man outside the trade relating to the union? The Minister need not be told, for he knows it very well, that this provision must destroy the professed object of the Act—namely, the formation of industrial unions. Our experience is that it is absolutely essential in the case of new unions, and in many old ones, that officers should be secured outside the trade. There are scores of unions in the colony to-day which would never have been formed, let alone sustained in their activities, had it not been for the assistance given by old and experienced unionists. In many cases old unions, and fairly strong ones, are driven by reason of the discriminating propensities of employers, to the necessity of going outside the trade for officers. We see no reason whatever why a union should be prevented from engaging the permanent services of any man if he proves himself to the satisfaction of the union to be competent in the discharge of his duties. It is not enough that the Minister should rely for justification on the protests of the employing class against "paid agitators." The employers have their paid agitators, and they pay them big salaries. The workers' agitators are, for the most part, not paid at all, and

even when they are, we know that they are not paid in proportion to the work they do. In the interests of trades-unionism we desire to place on record our strongest disapproval of the clause, and we trust that every unionist in the province will assist us in fighting for its deletion.

Age of Apprentices.

We disapprove of the proposal that no apprentice shall be over the age of twenty-one years. It simply means that under awards compelling the indenture of apprentices for five years, boys will be denied more than the merest smattering of secondary education. We disapprove of any measure which tends to reduce the age at which youths have to leave school.

Recovery of Wages.

The clause dealing with the recovery of wages paid less than the minimum rates is a most unfair clause, and would operate only to the advantage of the employer. If it is supposed to meet the case of the man who conspires with his employer to work at less than the minimum rate, and then, with the object of getting any back pay which was legally payable to him, lays an information against the employer for breach of award, we consider the clause very badly worded. In its present form we disapprove of it. The only effect will be to penalise the man for conspiracy, whereas the employer is allowed to keep the money which was legally earned by the man. Something should be done to prevent the employer from benefiting to this extent out of his conspiracy to defeat the award.

Miscellaneous Clauses.

We approve of clause 40 extending the definition of the word "worker," of clause 41 dealing with the registration of trades councils, of clause 42 dealing with the powers of Inspectors, of clause 43 eliminating the necessity to take a confirmatory ballot on resolutions passed at special meetings under clause 105 of the principal Act.

We disapprove of clause 44, subsection (1), (*a*). If a special meeting of the union is convened according to rules we cannot see any sane reason why a union should be saddled with the expense of advertising the meeting and the resolution to be discussed at it three times, thus giving undesirable publicity to union business.

We approve of subsection (1), (*b*), if amended in the direction of making it necessary to send proxies only to members of the union who live outside a radius of three miles from the General Post Office. Sending proxies to all members would result in lukewarmness and an indisposition to attend meetings at all. This is not desirable.

We approve of subsection (1), (*c*), and also of section 48, making it necessary to place a copy of the awards at a conspicuous place in the factory.

Conclusion.

In conclusion, we desire to say that, with the exception of a few clauses, only two of which are of great importance, we have felt bound out of our regard for our movement to condemn the principles of the Bill. Practically speaking, the Bill is a concoction of pernicious principles, seemingly dictated to the Government by the association of men whose activities in the past do not suggest to us that they have any sympathies for the cause of trades-unionism or desire for its progress. Most of the provisions are entirely new to us, and were never asked for by us. On the contrary, they seem to have given intense satisfaction to the employers throughout the country. This is unsatisfactory, and should not inspire unionists with confidence in the Bill. As a matter of fact, the unanimous condemnation which the majority of the provisions of the Bill have met with at the hands of organized labour ought to convince the Minister in charge that its successful working is well-nigh an impossibility.

We repeat our appeal to the trade-unionists of Canterbury to stand solidly in support of the Canterbury Trades Council in its resistance to the most reactionary and anti-union Bill that has ever been introduced into the Parliament of this country.

HENRY CHARLES REVELL made a statement and was examined. (No. 6.)

Witness: I am secretary of the Canterbury Woollen-mills Employees' Industrial Union of Workers. I have been appointed to give evidence on their behalf with reference to the proposed amendments to the Industrial Conciliation and Arbitration Act. My union has also sent the president with me to help me place before the Committee the position as it appears to us. We are not an affiliated union with any Trades Council. The conclusions that we have arrived at have been arrived at on our own account. We have studied the Bill very carefully, and the position, as viewed by our union, will be expressed in evidence by Mr. Hanna and myself this afternoon. The first and most important amendment to the Act that we wish to speak about is in the direction of doing away with the Conciliation Boards and substituting Industrial Councils. We object to the proposed constitution and *personnel* of the Industrial Councils, for the following reasons: We have found that in forming a union—especially a union of employees in an industry like ours—there is very considerable difficulty in obtaining the necessary intelligence to carry out the initial part of the programme—that is, to overcome the technicalities in the Act; and to obtain this information we asked for and obtained the services of two residents of Kaiapoi. We did not go to the Trades Council. We obtained the services of these two gentlemen, one to act as president and the other as secretary. Our reasons for so doing were that the president and secretary are the two officers of the union who would come into contact, or conflict, you might say, with the employers; and it is more than ever necessary in forming a union to have independent officers, because established custom always dies hard. When a man has been used to

paying 5s. a day in wages and he suddenly finds his workers asking for a rise to 7s. or 8s., he does not hail that proposition with joy, and he looks upon the men who are acting as leaders in that movement as a kind of personal enemy; and unfortunately we have found, as I intend to show presently, that our union has suffered very considerably owing to what may be called intimidation, though the employers will not admit that it is; nevertheless, to speak plainly, it is intimidation. As I said, while our union was being formed we had these two outsiders. It is rather a funny thing that under the 1900 Act, under which we were registered, a union was not protected until it had filed a dispute. That Act said that as soon as a dispute was filed the officers who were members of the union were protected; but prior to that the members had no protection whatever in this respect—in fact an employer could go and say to an employee, "Your opinions and mine differ very much on industrial matters; we had better part." The law in those days did not say that he should not do that sort of thing. It has been amended since. After our union had been registered, out of deference to the wishes of the employees we appointed a president who was employed in the industry, and I was the person appointed. I was appointed also to represent the union before the Conciliation Board and the Arbitration Court. After the Conciliation Board had delivered its recommendations and before the Court sat I got a week's pay in lieu of notice. I had been employed in the industry, I might say, for only about eighteen months. I went there as a casual hand and I suited the place very well, and as long as I was prepared and willing to accept £1 10s. a week—I was a married man with a wife to keep—and say nothing, I had, you might almost say, a port-admiral's job. I had a nice rosy billet. But as soon as I took up the cudgels for the workers and took off my coat in their interests, I could do nothing right, and the Kaiapoi Company, in following their policy of getting rid of me, stuck to it until at last they found ways and means of getting me out of the industry, and out I went. Mine was not an isolated case, because we appointed a secretary who also was employed in the industry. He had been upwards of twelve years in the woollen-mills at Kaiapoi. He was instructed by the union to take some steps to bring about an application for enforcement of award. As soon as he had notified the memebrs—on the same day, you might say the same hour as the notices were received by the members of the union, some 340 odd—he got a week's notice, and was told that the company had come to the conclusion that a boy could do the work he had been doing, and that in future the work would be done by a boy. The company found a big strapping lump of a boy who did the work for awhile, but they had ultimately, I think, to employ a man to do it. My reason for stating these facts has been to show that it does not matter what may be said to the contrary, there is a large amount of intimidation being carried on by employers towards unionists. I regret very much to have to say this. I would rather see things differently, but there it is. When a man takes off his coat in the interests of his fellow-workers he must in the ordinary course of events, if he is honest and straightforward in the cause of the workers, come into conflict with his employers. It was necessary in our case to have a union of the woollen-mill employees. The highest wage that a male adult worker was getting in the Kaiapoi factory—that is, an unskilled labourer—was, I think, £1 10s. a week, with holidays deducted. It was a weekly engagement, and the holidays were taken out. Many men were working for £1 10s. a week, £1 13s., and £1 7s. 6d., and some men worked in the Kaiapoi factory fifty-four hours a week for 16s. Now the Kaiapoi Company will tell you, and they have stated it publicly in the newspapers, that there was no need for unionism in the Kaiapoi Mills. Now I wish to show how the Kaiapoi Company dealt with their men while the latter were unorganized.

The Chairman: What was the date of organization?

Witness: Our union was registered on the 13th April, 1901. On the 8th June, 1899, the men employed in the spinning department at Kaiapoi had become so dissatisfied with the conditions under which they were working — and they were working under most adverse conditions, for they were constantly doing night-work, and, I think, £1 7s. 6s. a week was the highest rate of pay they received — that they decided to approach the manager in a body. They knocked off work and went down to the office and said to the manager, "We are not satisfied with the wages we are getting and the conditions under which we are working; we would like you to give us an advance on the rate of pay we are receiving." He immediately told them to get off the premises till the matter was settled. He explained to the Conciliation Board that he did not "sack" these men; that he only locked them out until they came to terms—the terms being to accept what they had been receiving or to remain away altogether. Well, that position cropping up was the cause of the union being formed. The men were absolutely driven in self-preservation to form a union of workers. So universal had the feeling in the mill become, that there were three separate bodies of men in the mill forming a union.

The Chairman: Simultaneously?

Witness: Simultaneously. We found that some had gone to the Labour Department for information as to procedure and some to the Trades Council. We got to hear of this, and we kept them in the rear so as to prevent an Industrial Union of Spinners or Industrial Union of Weavers coming to light, and we pushed in a union embracing the whole industry of the Canterbury District. The first night the union met there were 343 members signed the roll. That only left two men and the foremen in the mill who had not joined the union. We have lost, in fighting our case before the Board and the Court, the president—that is, myself; I got a week's pay in lieu of notice. Then the vice-president was removed from the industry. The secretary was removed because they suddenly discovered, after twelve years, that a boy could do his work. The treasurer has also been removed from the industry—ostensibly because they discovered that he was not a competent man, or something of that sort, although he went to the Roslyn Mills and obtained a boss job there. We have lost three committeemen, who have been removed from the industry. It is rather more than a coincidence that of the six representatives we have had

appearing before the Conciliation Board and the Arbitration Court, not one is at present employed in the woollen industry in Canterbury. These are hard facts, for I know that what I am saying is absolutely true. I have written to the Hon. the Minister of Labour, and the letter I wrote embodies what I am telling you to-day. We have come up here to substantiate the letter that we wrote to the Minister. We consider that if the proposal to establish Industrial Councils is carried the unions will be at a disadvantage as compared with the employers. When it comes to a matter of personal interest Jack is not as good as his master, whatever may be said to the contrary. It may be a nice thing to say that the workers of New Zealand are self-reliant and will stick out for their rights, but I regret to say it has not been our experience. We find that when one man controls another man's bread and butter, the man who is underneath is of course in the worst position. A clause was inserted in the last woollen-mills award (Book of Awards, Vol. iii, p. 501, award No. 250) as follows: "Anything not provided for in this award or any dispute that may arise in respect of anything provided for in the award and the fixing of rates of wages to be paid to any worker unable to earn the minimum rate of wages for the particular work for which he or she desires employment, shall be referred for settlement to a committee consisting of three members of the union, to be nominated by the union, and resident in the locality in which the mill is situated, and three persons to be nominated by the employer in whose mill the dispute has occurred. The fact that any member of such committee shall be in the employment of the employer shall not disqualify them for acting on such committee. If a majority of the said committee shall not be able to agree upon a decision of the particular question submitted to them, then upon such disagreement the said matter shall be submitted to the said committee and to the Chairman of the Conciliation Board for this industrial district, and shall be reconsidered and decided by a majority of the votes."

Mr. Arnold: What is the date of that award?

Witness: 20th August, 1902. The Judge, in giving the award, also made provision for an appeal to the Arbitration Court. Notice of such decision shall be given in writing to the parties to such reference. "If any party to such reference is dissatisfied with any decision given under the provisions of the last preceding clause, he shall have a right to appeal to the Arbitration Court, subject to the following conditions: He shall within seven days after he shall have received such notice of such decision, give written notice to the other parties to such reference that he appeals from such decision, and in such notice shall state the grounds of his dissatisfaction with such decision. He shall within seven days thereafter file a copy of such notice with the Clerk of Awards for the industrial district, and such Clerk shall forthwith forward a copy of such notice to the President and to each member of the Court. Until such appeal has been heard and determined by the Court the respective rights and liabilities of the parties to such reference shall be deemed to be governed by such decision. If no notice of appeal shall be given to the opposite party within such period of seven days, then such decision shall be final and conclusive." Now, our award was made, as I say, on the 31st August, 1902, and it was to have a currency of three years. That clause has allowed us to carry on without going back to the Court, and if things continue as they are at present and we are allowed to appoint our own committee and select whom we like I do not suppose it will be necessary to go before the Court again, unless it is to obtain the right from the Court to have the award made binding on the other sections of the industry throughout the colony, outside the Canterbury District. In the officering of a union, we, as I said before, find that it is in its infancy particularly that it requires outside assistance. When a union has been formed and has obtained an award and is working under that award it is in a far more independent position than it is while battling for better terms, because, as I pointed out to the Committee, established custom always dies hard, and there is a feeling amongst the employers that a man who comes in and asks for an extra few shillings a week is a man who is in antagonism to his employer's interests, and should be suppressed. And I regret to have to say that they have followed out that policy of getting rid of men in the industry who are advocating better conditions for their fellow-workers, and they are doing it every day. As I said, our union was completely depleted of its intelligence within the first two years of its life. Our union, being an unaffiliated union, we have acted as non-unionists, and we are allowing the Trades Council to do a lot of the work that we could do ourselves on a good many clauses.

The Chairman: Does that mean that you indorse what they say?

Witness: Not necessarily. What we want to object to we will bring before you here. Regarding policy sections that are perhaps beyond a little union like ours we are prepared to leave to the House to do what is right in the interests of the workers. We are here principally to give evidence and to object to the proposed *personnel* of the Industrial Council. We do not say but that the Industrial Council may do very good work, and we are inclined to favour it, but we do not like to see the workers, in our industry at any rate, made to stand up against the employers after the way in which they have been treated in the past, because it is really only offering the men the opportunity of being shut out of the industry. Of course in regard to the calling of a special meeting, there is procedure provided under section 44: "With respect to every special meeting held under section one hundred and five of the principal Act the following provisions shall apply." My union rather hopes that the House will make this Act a little simpler in manipulation from the workers' point of view. The Act is gradually becoming so tangled up with technicalities that a worker can hardly move in bringing up an industrial dispute or claim for enforcement unless he has a lawyer at his elbow, and lawyers' fees always fall very heavily on a small industrial union. We would rather see the Act made simpler than more complex. There is another little point here: "When any payment of wages has been made to and accepted by a worker at a less rate than that which is fixed by any award or otherwise by law, no action shall be brought by the worker against his employer to recover the difference between the wages

so actually paid and the wages legally payable, save within three months after the day on which the wages claimed in the action became due and payable." That is clause 45. Now I will give an instance that cropped up with regard to our union and the workers employed in the woollen-mills at Ashburton. We have unfortunately been unable to get any of the Ashburton workers to join in with our organization, and we find that several breaches of award have been committed in that mill. We did not know, and the workers themselves who were working under the illegal conditions did not know, that they were doing wrong. Raine, Walker, and Rudkin were had up before the Arbitration Court and fined for a breach of award. One girl had been working two looms. She had been doing the work of two persons and paid only as one. The Court by fining these people showed that they had done an illegal thing. The girls afterwards resorted to civil action to recover the arrears, and I understand the case collapsed. The Resident Magistrate asked for an interpretation of the finding of the Court in the case for enforcement of award, and somehow or other the whole thing was tangled up through a lawyer losing the run of the case, and the Magistrate was chary of dealing with industrial matters. Consequently these workers are going to lose about £30 apiece. They are legally entitled to about £30 that they have earned on the piecework system. They were paid so-much a pick—to use a woollen-trade technicality—less than they should have been paid for the kind of work they turned out. The proposed alteration to the Act, as I read it—I may be wrong—says that these girls shall not be able to claim this money. I hope that provision will not find its way on to the statute-book. As regards the Kaiapoi factory, we obtained an interpretation of award, regarding cases where the workers, without knowing it themselves, have, under the legal reading of the award, been entitled to be paid for holidays. Judge Sim, in giving the interpretation, said that holidays should be paid for. If the union were to push that matter, it would cost the Kaiapoi Company, as they themselves admit, something like £2,000 to pay up the arrears. Yet this clause that is proposed to be inserted in the Act would remove the right of the workers to obtain these arrears of pay that they have been entitled to, but which they, not being lawyers, did not know they were entitled to.

The Chairman: Did the Magistrate in that case apply for an interpretation of the award?

Witness: Yes, he applied for an interpretation. I have not got it with me, but no doubt it is on record. As I pointed out when writing, on behalf of the union, to the Hon. the Minister of Labour, our union was most unfortunate in not obtaining a preference clause. Our membership, when the union was first formed, was something like 360. We had the whole of the employees in the Kaiapoi factory. Our case was heard and determined in the usual way, and we failed to obtain preference, and ever since then our membership has gone down. We have had no way of making them pay up to assist us in maintaining the improved conditions that we got for them. We got the conditions improved by about 12s. a week, and the workers—some of them—are despicable-spirited enough to say, "Well, it costs us nothing. We did not incur the displeasure of our employer, and we get every bit as good conditions as you." We appreciate the action of the Minister in inserting this clause making it mandatory for non-unionists to contribute towards the funds of the union. They should certainly do so. I think that the compulsory contribution has as far-reaching an effect as compulsory preference, because with ninety-nine men out of 100, if they have to contribute to an organization they are going to have a say in the working of it. It necessarily follows. I hope that that clause will find its way on to the statute-book. I hope I have stated the case for the woollen-workers plainly. We have tried to do so without any fire or anything of that sort. We have been actuated by an honest desire to help bring about better conditions for the workers.

62. *The Chairman.*] What is the membership of your union now?—We had somewhere about a hundred and fifty financial members when I last sent in a return, but it is better than that now. The number of workers in the industry has not diminished, although the number of members of our union has, simply because we had no way of getting at the non-unionists to contribute. I think I read somewhere, though I do not see anything about it in the Act, and I presume it was a misquotation, that the Minister of Labour had stated that it would only be a union that had a majority of the workers in an industry that could apply to the Court to make the non-union members pay up and contribute to the funds of the union. I hope the Minister was misreported.

Hon. Mr. Millar: There is nothing to that effect in the Act. When the employers' federation were complaining about this matter I said, by way of giving an example, that a union would apply to the Court for the right to attach the non-unionists, to compel them to pay; and I said that the Court might lay down certain conditions. For all they knew the Court might lay it down that a majority of the workers in an industry should be in the union before that right was granted. That is what I said. It was only an expression of what might be done by the Arbitration Court. I had no intention of putting such a condition as you suggest into the Bill.

Witness: The Court, in making our award, told us that the goods being interchangeable in the woollen industry, and the Act providing that where goods were interchangeable an award could be made embracing the whole colony, it refused us a preference clause on the ground of our not having a sufficient number of workers employed in the general industry, as the Judge considered he would be placing a handicap on the mills in the Canterbury District. I have stated that our award gave us a little more money—£2 2s. instead of £1 10s. This clause 11 has been a very handy thing for us when new machinery has come into the mills, for we have been able to keep away from the Court now for five years. While we object to the proposed *personnel* of the Industrial Council, and think that to debar any person not employed in the industry from being a representative of the union on that Council would have rather a bad effect, we rather favour the proposed Council otherwise.

63. *The Chairman.*] You mean to say that when your union was formed in 1901, out of 346 men employed in the mills 343 became members at once?—Yes.

64. And that after obtaining an award, your membership has now fallen to something over a hundred and fifty?—Yes.

65. Then you would be in a worse position in going before the Court now, because you would not represent a majority of those employed even in the mill?—That is the position, and it has only come about through our not having the preference clause or some lever by which workers could be made to come under the union rule.

66. Has this dismissal of hands happened since the award has been given, or was it immediately on the formation of the union?—I was dismissed as soon as the Conciliation Board made its recommendation.

67. As soon as proceedings commenced?—Yes, as soon as we started to appoint officers who were employed in the industry.

68. Then from the moment your officials came actively into conflict with the employers you have lost from the union the president, the vice-president, the secretary (who had been twelve years in the service), the treasurer, and three members of the committee: the whole six representatives who have appeared on your behalf before the Conciliation Board and the Arbitration Court have been dismissed from their employment?—They are all out of the industry now. Of course, some of them have seen how things were going, and have looked out for employment in other directions. One man had been employed twenty years and four months at Kaiapoi; he was appointed to represent the union before the Conciliation Board, and he did not remain very long in the industry afterwards. This man felt it very much—in fact, he went to the Department of Labour and asked it to investigate the position and see if there was any redress for him by law; but they found that there are so many ways in which an employer can get rid of a man that he had no resort.

69. Then the whole of these men were not absolutely dismissed—some stood from under when they saw what was coming?—Yes.

70. *Mr. Hardy.*] How many men were dismissed on account of joining the union?—We cannot say they were dismissed for being members of the union. If we could say that we should have had them before the Arbitration Court long before this. The men who were dismissed were myself as president, the vice-president, the secretary, the treasurer, and three committeemen.

71. How long were you in the employment of the company?—I put in the wool season with them for about four years, and then I was there permanently for about eighteen months.

72. Were you a good worker?—Yes, I was always congratulated on the way in which I did my work. I was never being spoken to about my work. I was always very careful, especially when I was elected an officer of the union. I tried by my own example to show my fellow-workers how they should attend to their work. The employers could not get at me for being neglectful of my work, or anything of that sort.

73. When your services were dispensed with, were you told it was on account of your not doing the work, or that your services were not required, or what?—During the inaugural work of a union there are always a certain number of debatable questions arise. A little friction occurred between the manager and myself, and over a very insignificant thing that occurred he gave me a week's pay in lieu of notice. It was purely a personal matter between the manager and myself.

74. There was personal friction between yourself and the manager?—Yes.

75. You do not think that personal friction is a good thing to have amongst a number of employees?—Any employee who comes into conflict with his manager from opposite directions is bound to get the worst of it.

76. Is that your experience?—Unfortunately it has been my experience.

77. What is your age?—I am thirty-three.

78. You have worked for a good while?—Ever since I was fourteen.

79. Have you not found an employer a little different from that?—I have come across employers, especially in the farming industry, who, since the Agricultural Workers' Union was formed, have come to me and said, "We are very pleased to see this organization being started, and hope it will be successful." But such men are few and far-between. I have been a shearer, a wool-presser, a bushfeller, a farm labourer, and I am at present working for a co-operative butchery.

80. You have never been a great success at anything, have you?—I do not know. I have managed to knock along through life. Unfortunately, I was never taught a trade.

81. And your moving about in different trades has not assisted you to become expert in any one, has it?—I could always hold my own with any man I have come into contact with in the walk of life I have been in.

82. The wages that you were getting does not lead us to think you were a very good man?—That was the highest standard paid by the Kaiapoi Company. I get more than that now. I had £1 10s. and £1 13s., and, when a casual hand, £1 16s.

83. You would have been better off working as a farm labourer?—I worked as a farm labourer when I left school for 6s. a week.

84. Who did you work for for 6s.?—A man in your electorate, I think.

85. Who was that?—I am not going to give his name. He then lived at Russell's Flat.

86. I do not think he is in my electorate: you were a boy, were you not?—I was fifteen or sixteen.

87. You were only learning to work?—I had to learn to work before that—for my father.

88. Did you ever hear of a Government institution that is employing people at the rate of about ¾d. an hour?—No. I hope there will be an Industrial Conciliation and Arbitration Act in that part of the world, by which that sort of thing will be removed.

89. *Mr. Barber.*] You say that the £1 16s. you got was the highest wages paid for unskilled labour: what hours did they work?—Forty-eight a week. Of course, they used to work fifty-four at one time, and did not get such good wages then.

90. What wages are you getting now?—£2 2s. a week. The butchery company that I work for is a small thing—an industrial co-operative concern—and they pay me what they can afford. The butchers' award in Christchurch, unfortunately, does not reach Kaiapoi, or I should be getting £2 11s.

91. Do you get no perquisites?—No.

92. You said that the highest wages ever paid in the spinning department at Kaiapoi was £1 7s. 6d?—That was for unskilled labour prior to the award coming into force. That was on the 8th June, 1899.

93. Eight years ago: what wages are they getting in the spinning department now?—£2 2s.

94. The same people who were getting £1 7s. 6d. are now getting £2 2s.?—Yes. Some of them got a bigger advance than that. Some went from £1 5s. to £2 2s.

95. With regard to all those whose services were dispensed with, for, I understand you to say, being associated with the union—the president, the secretary, the treasurer, and others: how long did it take to get rid of these men?—We lost most of the officials of the union while we were working for our award, and immediately subsequent to that.

96. All within a short period?—Yes.

97. You are not spreading the period you have mentioned over nine or ten years?—Our union has only been in force five years.

98. They were dispensed with immediately after the award came into operation?—While the case was being heard and immediately subsequently.

99. With regard to these girls who were working two looms, were they not working at piecework?—Yes, and being paid for only one loom.

100. They were only paid on piecework for the result at one loom?—Yes. It was half-rate for each loom. The Judge of the Arbitration Court fined the employers £5 for it, and yet we have not been able to get the arrears for the girls.

101. You stated that there was legally due to them about £30: was that each?—Yes. I will give you the figures as the girls gave them to me. It was £56 between the two—£28 each, or approximately, £30.

102. Were they the only girls who had been working two looms?—There were only two girls that the man was taken up about. I fancy there could have been only the two of them.

103. I understand from your evidence that generally you approve of the Bill, with the exception of the clause specifying that those representatives of the union must be or have been employed in the industry?—We only pick out what we know affects our interests. There may be other parts that might suit us or not; we do not know whether they do or not.

104. Your evidence is chiefly against that clause?—Against the proposed constitution and *personnel* of the Council. We appreciate the Minister's attempt to deal with the non-unionist section of the employees, and we hope there will be something different brought about regarding cases where workers have, without knowing it, been receiving less than they were entitled to, so that when they find they have been short-paid the right to recover will not be taken away from them.

105. Do you think that the clause which provides for a deduction from a man's wages in case of a penalty being inflicted is fair?—We are inclined to think that rather retrogressive, on account of its giving an employer power to deduct that from the men's wages. We say that a man who commits an offence against the Act should be punished, and should be made to pay his fine; but we do not consider that his employer is the man to collect it. An employer himself may be fined for the selfsame thing. He might, for instance, have arranged with a couple of men in his employ to work for less than the minimum wage, and we will say they are fined. He has to pay up, and the obligation rests on him to see, by order of the Inspector, that these men pay too. They are both branded black. I do not see why one man should have the right to deduct the other man's fine from his wages—why he should be put over the other man's head. I consider that the Arbitration Act has done an enormous amount of good, but the men who commit a breach of it should be fined and be made to pay; but we do not like the employer having the right to deduct the fine from a man's wages. It is against the principles of the Truck Act and the Workers' Wages Act. But I suppose this has all been fought out by the representatives who gave evidence this morning. I dare say you have heard from them on the matter.

106. They have not all given the same evidence as you. The clause only provides that the employer can make the deduction after receiving an order or instructions from the Department; he does not do it as an employer; he is acting as agent for the Department, and it is only in that case, I understand, that he collects the money?—I object to his being the agent. I know that the foundation of the whole thing is the slaughtermen's strike that recently took place, and, personally, I hope there will never be anything of the sort crop up in the colony again, and I doubt very much whether there will; but I do not like the idea of an employer collecting fines and paying them over to the Department. I would rather see the Department do it themselves.

107. *The Chairman.*] Will you please inform the Committee what is your opinion of the Industrial Conciliation and Arbitration Act since it has been passed up to now—up to the time of the slaughtermen's strike?—You have set me a pretty hard task. I have had little or no experience of speaking.

108. Tell us just what you think has been the general effect of this legislation since it was passed, about twelve or fourteen years ago?—It has been of a most beneficial nature. It has been the salvation of the working-classes of New Zealand. It has lifted them from out of the gutter

and placed them in a position that, I suppose, fourteen years ago not a worker in New Zealand ever anticipated they would be in to-day.

109. *Mr. Poole.*] Before any labour organization was established in Kaiapoi, the Kaiapoi factory was looked upon as being a sort of home industry, was it not—it was like a family circle?—That is quite correct.

110. You were placed at the mercy of the authorities there—they could be kind to you or could treat you harshly as they liked?—Yes.

111. But they generally treated you kindly?—When I first went there, as I said, I had practically a port-admiral's job, and as long as I liked to accept £1 10s. a week and go along and say nothing it was all right; but immediately I identified myself with an industrial union and fought for better terms for the workers I could do nothing right. I hung on to my job and looked after it when I expected every five minutes I should have to go.

112. *The Chairman.*] You "nursed" the job?—I did.

113. *Mr. Poole.*] How long is it since they ceased to run double shifts there?—The president could tell you that better than I. He will be giving evidence presently.

114. With the introduction of the union in Kaiapoi, the night-shift practically ceased, did it not?—It ran for a while afterwards—not very long. We will say it practically ceased then.

115. What was the excuse put forward for the cessation of the night-work?—I really could not tell you. I do not know whether they advanced any. They did not advance any to the union, anyhow, that I am aware of. There were a lot of men put off. We protected our witnesses before the Court in this way: We subpœnaed so many that if they had sacked the lot they would have had none left at the mill. Anyhow, we lost about twenty of our witnesses. They got pushed out soon after the award was made. Some of the men were told that the company had decided to get boys to do the work they had been doing; but they gave some of these men—one, I think, had been there twenty-three or twenty-five years—they gave them all first-class references. Some really good hands were given no reason why they were discharged.

116. *The Chairman.*] Did they call it reorganization?—I do not know what they called it.

117. *Mr. Poole.*] Are they employing as many men now as they employed before they knocked off the night-shift?—I think they are. This last twelve months matters have righted themselves considerably. They have found that boy-labour has not been the boon they expected, and they are reinstating some of the men who were put off.

118. For some years they did not employ, we will say, more than three-fourths of the hands they employed under the old conditions, did they?—For some time they shortened down a lot.

119. Did you ever hear it given out in Kaiapoi before the labour conditions commenced to operate that the factory was run on free and easy lines, and they were anxious to give as many people employment as possible?—Yes, we always allowed that they did that sort of thing. They were trying to do a kindness to the people when really they were doing an injustice.

120. An injustice to the deserving ones?—Yes. I do not say that they were employing incompetent men. There were men there who, had they gone out into life when boys, would have made really good men.

121. The work in the Kaiapoi Woollen-mills at the present time is much harder than it was under the old conditions, although better pay is given, is that so?—I have not been employed in the mill for some years, and really could not say. Perhaps Mr. Hanna will be able to tell you.

122. Are you satisfied that under the present conditions, with the increased rate of pay, the employees are not being worked too hard—that they are doing a fair day's work for a fair day's pay?—Well, we have got confronting us the ever-increasing cost of living. Under the conditions in force when the award was made the workers were a long way better off—they were very well paid indeed. We accepted the award because it made such good provision for us. A man who gets a rise from £1 7s. 6d. or £1 10s. to £2 2s. thinks it is all right.

123. You are of opinion that it would be disastrous to put a clause on to the statute-book making it imperative for unions to have only their own workers upon the Industrial Councils?—I think that the unions would be unduly penalised.

124. *Mr. Arnold.*] When I went out of the room you were just explaining to the Committee how this Board of Inquiry, I think it was called, was set up under the award: do I understand that that has worked satisfactorily? Have they had meetings?—We have had several meetings, and we have done good work.

125. Are the meetings held periodically?—Only when anything crops up. The Court, in inserting that clause in the award, overlooked a few points that we have come into conflict with one another about. They made no provision for procedure—no provision for a quorum.

126. How many times has this body met?—Seven or eight times.

127. Do you know whether such Boards have been provided for in previous awards of the Court?—They are provided for in subsequent awards. This is the first award I ever heard of the provision being in. It was adopted chiefly because both sides recommended it.

128. I suppose you are not familiar with the first award made in connecteion with the boot-makers?—No.

129. Would you be surprised to learn that there a Board was set up which had to meet annually and which was empowered to fix wages, hours of labour, proportion of apprentices, and questions of that sort?—I should say it was a very good Board, and I suppose it did good work, as ours has done. Outside of the Canterbury Woollen-mills Union I do not know very much about these things. I live in Kaiapoi, and my industrial experience has been solely in the woollen industry.

130. My point is this: If your Board has met seven or eight times, with a certain number of employers and employees on either side sitting round a table discussing questions in connection with that specific trade, and has done good work, what is the real argument against this Industrial Council as provided in the Bill?—Our argument is this: We always have submitted to us the

matters that are to be brought up before this committee. I wrote to the Hon. the Minister of Labour and pointed out to him that clause 11 of our award provides for a committee composed of three men representing the employers and three representing the employees, with very wide powers; and we find that in appointing our representatives we have to be very careful to appoint at least one member to act as leader and to do what talking is necessary. Since I have been out of the woollen industry I have never lost touch with the union, and whenever they have wanted a meeting of this committee I have always endeavoured to be there.

131. Although not in the employ of the company?—Although not in their employ.

132. So that the award does not specify that the representatives must be employed in the industry?—No, it leaves that open. You can appoint whoever you like. I may say that I have had my position objected to on three occasions before the Arbitration Court. When the Conciliation Board met we had our president and secretary objected to because they were not in the industry. The objection was not allowed. Of course, there was nothing in the Act to prevent them from appearing; but the employers objected to these men because they were not employed in the industry, and when we went before the Court they objected to me. When we applied for an enforcement I was again objected to, and Mr. Justice Chapman told counsel for the woollen-mills pretty plainly that such an objection as that, if upheld, would prove fatal to a union.

133. Do the other two representatives on the Board, who are employees, simply sit and vote and say nothing?—If they are asked a question or anything of that sort, they speak, but as a rule, they do not have very much to say. It is very hard indeed to get men to take a position on this committee.

134. *Mr. Ell.*] Look at clause 47 of the Bill—"Contributions to unions by others than members": have you observed that it is only to be brought into operation on the application of any union?—Yes.

135. "On the application *ex parte* of any industrial union of employers or workers the Court may order that the secretary of the union may from time to time serve on all or any employers or workers," &c.—that is optional?—The Court, of course, can refuse the application.

136. It is not binding upon the union to make the application—it is purely optional?—It is purely optional. The Trades Council say it is looking at unionism from a mercenary point of view. Well, I think that if it were ordered by the Court that all the employees in an industry should contribute we could, perhaps, reduce the amount of annual contributions.

137. Is it not a fact that when wages are low and when there is general dissatisfaction, those engaged in any particular industry will rush into the union and become members, and assist to fight for better conditions.

138. *The Chairman.*] Have you found it so?—When our union was formed everybody in the mill except two joined.

139. *Mr. Ell.*] There was general dissatisfaction?—The girls on piecework really had no cause for complaint, because under the piecework system they were getting really good pay—a long way better pay than I was getting, and it would have paid me far better to have stayed at home and let my wife go to the factory. The girls came into the union with the object of assisting us by the weight of their numbers, and the Court very rightly maintained the conditions that were in existence for the girls.

140. Is it not a fact within your knowledge that many, after having obtained material advantages as the result of the combined effort of the union, fall out of it and leave others to pay all the expenses of the union?—That is where we find a very great hardship. We find that our union has dwindled down from 360 to less than two hundred.

141. Is it not a fact that, having obtained better conditions, there are numbers fall away?—That is borne out by my statement that we had 360 members and at the present time we have less than two hundred.

142. Notwithstanding the fact that there has been a large increase in the number engaged in the industry?—Yes, that is the position.

143. And you think it is not fair to those who are paying up that these other people should get the advantage and contribute nothing?—Yes, I think I said that in my evidence before. It has a bad moral effect on a member. Some of them come to me and say, "What is the good of our contributing and working, when others will not pay what is due?" In the first place, we maintain that our union was absolutely necessary for the well-being of the workers. We were forced into the position of having to organize, and having organized we thought we should get the preference clause, but we failed in that, and we have drifted back, and I may say that even now the majority of our members are females, who really came in to help us by the weight of their numbers.

144. The first point of your objection to the Bill is that the officers and secretary should be allowed to be chosen from within the industry or outside of it?—Yes. It is like this: A union in appointing its executive has to be very careful to get men who will look after its interests, who will not be got at by the employers, and who are in earnest in what they are doing on its behalf. One of the representatives of the Trades Council, speaking this morning, I think rather libelled the workers. He said there were none in the industry who had intelligence enough to carry out the duties properly. I think he is wrong there. The position is that they are at a disadvantage when it comes to bread and butter.

145. And you think that men who are not engaged in the industry should be allowed to sit on the Industrial Councils?—Yes.

146. *Hon. Mr. Millar.*] You gave us some examples just now of the victimising that had gone on in connection with the Kaiapoi people: that was done under the existing system, was it not—with a Conciliation Board and summoning your witnesses?—Yes.

147. The continuation of the present Conciliation Boards and the present method, which has become the Court method, will still continue that chance of victimising?—Yes, always, I think,

where men have got to stand up against their employers. It does not matter whether it is a Board or a Court, they will always feel that. I do not think you will remove, by making us an Industrial Council, the possibility of intimidation at all. I do not think you can possibly overcome it. I do not think any amount of legislation will prevent an employer from removing a man from an industry.

148. That possibility will exist for all time under any conditions?—Yes.

149. Under the Council as proposed in the Bill, you would narrow the area of people to be victimised, would you not, because by appointing three practical men to meet three practical men on the other side there would be no necessity to call any witnesses at all?—I hardly follow your question.

150. If three practical men employed in the woollen-mills were appointed by the union to meet three employers to discuss the conditions, there would be no necessity to call any witnesses to prove what they were saying, as the practical knowledge of those two different parties would enable them to answer any questions which might be raised by one side or the other?—Yes, but I presume that this Industrial Council would have a right to call evidence.

151. Would there be any need for it?—The Chairman might require evidence to be called.

152. He might, but what I am trying to get at is this: The aim in setting up the Industrial Council is to narrow to the smallest possible compass the limit whereby men may be victimised, because if there were only three men on the Council, and there were no other witnesses, and if anything took place whereby these men lost their billets, it would be *prima facie* evidence that it was a question of victimising, but it would only apply to those three?—I see what you mean. There would be a possibility of only those three men getting pushed out.

153. Instead of twenty-three, as might be the case when you are calling witnesses?—How are you going to get three men, who will know they are going to be made the victims for the whole industry?

154. But under any conditions you are going to run the risk of having men made victims if the employer is vindictive enough?—I admit that no amount of legislation will prevent an employer from getting rid of a man; there are so many ways of doing it.

155. This Bill does not compel a man to be a member of the union in order to be appointed to the Council: it says the union representatives shall be "persons who are or have been workers engaged in the industry"?—All men are not like I am; most of those who lose their jobs go away—in fact, I do not think I could get another man in Kaiapoi to undertake the same work as I have been doing.

156. I suppose you are aware that there is a very large number of voluntary agreements being entered into now without the aid of the Arbitration Court or the Conciliation Board?—Yes, I dare say that can be done so long as the worker is prepared to be civil enough and to allow conditions that he otherwise would not allow.

157. If the Industrial Council were constituted as you suggest, so that a union could appoint any person to represent it, you would come back to exactly the same position as we have now, because if men who were not practical were appointed they would call ten or twelve witnesses to prove their case?—Yes, there are difficulties there to. I maintain that the employers themselves would call witnesses from amongst the workers, and if you could not get the truth out of a witness by cross-examination—by making use of their witnesses and thus removing the blame from them, because the employers had called them—you would have to call some evidence in self-preservation.

158. You do not think the three men appointed by the union would themselves be sufficiently qualified to argue every point that might be raised, without calling outside witnesses?—In the case of the woollen-mills there really should be three different men for every department, and there are about a dozen department in the factory.

159. You could not possibly get anything like that under the existing conditions?—You can get men who have a fair elementary knowledge of the conditions who would be tangled up over the weaving-flat. The Inspector of Awards took the weavers' dispute at Ashburton, and I think he has regretted it ever since. There are so many technicalities and classical names involved in weaving that really a man wants to be a loom-tuner—that is, an expert—to know what a little alteration in the rates of pay would mean. We have a man on our executive who, I am happy to say, has sufficient backbone to take that position every now and again, and he is the representative of the weavers, and speaks for them. He is a very good man.

160. Under the Bill you could have men representing three different branches of that particular industry sitting on the Council, one representing each particular branch?—Yes.

161. That would be a far better representation than any you could get under the existing system of Conciliation Boards, would it not?—We like the Conciliation Board on account of its independence.

162. You prefer non-practical men to give an award to having men in your own trade discuss the matter and come to an agreement?—They send down recommendations to us under the present Act, and if these are not satisfactory we take the case to the Arbitration Court. Our case did go right through.

163. How many cases have been settled by the Board since its inception—do you know?—I do not know.

164. Do you think 10 per cent. have been?—I would not hazard a reply.

165. You objected to clause 45. You gave one side of the question. There is another side. Supposing that a man knowing full well what the rate of wages is, goes and works at under-wages and continues to work at under-wages for two or three years, knowing that he can recover: do you approve of that?—I certainly do not. He would be fined, I suppose, in the ordinary course for a breach of the award.

166. But he would be entitled to get the difference between the rate of wages he had worked for and the proper rate?—Not where the man has compromised.

167. But it has been done already: a case has come before the Court where a man has been paid the difference for two years and nine months?—Of course, our case was a *bona fide* one; it occurred through lack of knowledge.

Hon. Mr. Millar: I am going to tell you then that your case has been wrongly handled, because an exactly similar case took place in Dannevirke, where a boy in a printing-office had been paid less wages than laid down by the award. The case went before the Arbitration Court, and the Court held that he had no recovery, but fined the employer for the breach of the award. After that the boy took his case before the Magistrate, and claimed the money as a common debt, and gained the case. It went to the Court of Appeal, and he gained it there. This shows that the law, as it stands at present, allows any person who has been paid under-wages to recover under the ordinary procedure of the Magistrate's Court.

Witness: But does not this clause 45 override that altogether? It says that no action shall be brought for recovery after three months.

168. *Hon. Mr. Millar.*] Yes, but you must read side by side with that the reason why. Take clause 48: "There shall be painted, printed, or affixed in legible characters, in some conspicuous place at or near the entrance of each factory, shop, or place to which an award applies, in such a position as to be readily read by the persons employed therein, a true copy of the award as to the lowest prices or rates of payment fixed by the award." That copy of the award being in every factory, there is no person working in that factory who cannot find out what the lowest rate is simply by looking at the copy of the award?—I will admit that I had overlooked that clause 48. I might say that sometimes these awards are couched in such ponderous legal language that it is a hard job for a worker to make them out.

169. The minimum wage is always stated there?—In our industry we have such a lot of classes of goods. The weaving statement alone contains so many different ways in which a thing can be read. It is complicated. If I put it in front of a lot of the weavers now there would be a good number who would not understand it.

170. You quite agree that the man who deliberately lays himself out to work for under-rate wages should not be protected?—No, he should not be protected.

171. Not for a couple of years?—No, certainly not.

172. If this clause were allowed to remain as a standing thing, but the Court given power to review it so as to cover such cases as you mention—that is, where the under-wages have been accepted in ignorance—I mean it being left to the Court to say whether the case should go on, would that suit you?—That should meet the position. We are prepared to accept that.

173. You do not object to clause 21, do you, giving power to make an industrial agreement outside of either Council or Court, and to file that so that it becomes an award?—There may be objection to that on the ground that an award or agreement may be entered into with the employers, as we have done at Kaiapoi, covering certain conditions and making certain rates of pay, and if this were made applicable to the industry as a whole, owing to the goods being interchangeable, it might be a serious disadvantage to the Petone people.

174. The section only applies to an industrial agreement?—But there is a clause in the Bill giving the Court power to make outsiders parties to an award.

175. That is at the option of the Court: it only applies to one district, and only takes effect when the agreement is binding on employers who employ a majority of the workers in the industry?—I cannot see any very great objection to that. Of course, registered bodies are the only bodies that can enter into an industrial agreement.

176. You believe in clause 47—you think a union ought to have the right to apply to the Court for the purpose of getting non-unionists to pay the same contribution as is paid by unionists?—I think that is within the bounds of practical politics. It is a thing that is within reach at the present time. Compulsory preference may come, but it is a long way off.

177. *Mr. Hardy.*] You spoke of the cost of living being greater now than it was: how do you explain that?—That is a thing that I do not altogether feel in a position to explain. I am not an expert on social and political economy.

178. Do you not know that some of the staple articles of food are tremendously reduced in price?—The reductions have not come my way, then.

179. What is the price of sugar now?—What is it—2½d.

180. From 2¼d. to 2½d.: it was 5d. not so long since?—Yes.

181. Take tea: what is the price of it now?—You can get it from 1s. 6d. up to 2s. and 5s. a pound.

182. You can get tea at 1s. 6d. a pound as good as it used to be at 3s.?—I am not an expert in tea. I really could not tell you about these things. My wife could tell you about them.

183. How about currants?—I could not answer as to these things.

184. Is it within your knowledge that currants are only half the price they used to be?—I really could not say.

185. Raisins, about half the price: do you know that?—I really could not say.

186. Sago, less than half the price?—It might be. What about house-rent?

187. I am coming to that: tapioca, half the price?—It is no good asking me. I could not tell you.

188. Is it within your knowledge that rice is half the price it used to be?—I really could not say.

189. Is it within your knowledge that corn-flour is half the price it used to be?—It may be.

190. Is it within your knowledge that drapery is a good deal cheaper than it used to be?—It needs to be.

191. Is it within your knowledge that boots and shoes are a great deal cheaper than they used to be?—I do not know.

192. Kerosene: is it within your knowledge that it is greatly reduced in price?—It has come down owing to the duty being removed, or something like that.

193. More than that; it used to be double the price, notwithstanding the duty. Is it within your knowledge that candles are cheaper than they used to be?—I could not say.

194. And soap, cheaper than it used to be?—I could not say.

195. Is it within your knowledge that in the occupation you say you are in—the butchering—the real rise in the prices charged for meat is your employers' rise?—It is the producers' rise, I think. I can assure you that the majority of the butchers in and about Christchurch and North Canterbury at the present time are working at a loss.

196. How is it, then, that meat is sold cheaper in London to-day than it is in Kaiapoi?—The wholesale price in London appears cheaper than the retail price in New Zealand, and that is where 95 per cent. of the public make a mistake. They see the wholesale price in the London market.

197. Is not the additional cost the increased cost of distribution or of retailing?—No, I am sure it is not. The increase in the price of meat has come about on account of such a large quantity of meat going out of New Zealand.

198. I asked you whether you know that meat is at the present time sold cheaper in London than it is in Kaiapoi?—I do not think it is. If it is 4½d. a pound wholesale in London and 5d. retail in Kaiapoi, it is cheaper in Kaiapoi than it is in London.

199. Is it not the plane of living that is higher rather than the price of the commodities?—I will admit that the working-people of to-day live amid better surroundings than they did years ago, and rightly so, too.

200. Then it is the plane of living that is higher rather than the price of the necessary commodities?—It is a question I have not made a study of, Mr. Hardy.

201. *The Chairman.*] Did I understand you to say that when the Kaiapoi Woollen-mill was first established—that was about 1880, was it not?—I think it was before 1880.

202. Well, 1878—about then?—Yes, somewhere about then.

203. Did I understand you to say that at that time the mills were run with cheap labour, and that many of the hands had had little experience in the work?—They imported all their expert labour.

204. But they also enlisted the services of a number of local people?—Yes.

205. And the industry was started in a purely agricultural district?—That is correct.

206. And did you say that with country conditions, and the vegetables and so on being at low prices, the low wages were fairly satisfactory?—Yes, fairly satisfactory. I may say that we are thinking of going in for another award, but we have not asked for any increase in the wages.

207. Did you further go on to say that when prices rose in the nineties the men with families found their means insufficient?—Certainly.

208. And the pressure caused the formation of your union?—Yes.

209. You attribute the formation of the union absolutely to the fact that the standard of living was rising—that you found yourselves with insufficient means though wages were not falling?—The wages were not falling.

210. They were as you gave them?—I said the wages were not falling. They had no tendency to rise.

211. They were pretty well fixed?—Yes.

212. At the figures you gave us—£1 16s. as a maximum, £1 13s., £1 10s., and so on?—When I went there as a casual hand, when I was a single man, I got £1 16s. a week. Then they put me on permanently, and gave me £1 10s.—a rise backwards.

213. Did they vary the work?—No, it was the same work.

214. But it was permanent work, all the year round?—Of course, I had all holidays cut out. After I had been married a while I was discontented. I felt the pressure, and asked for a rise, and they gave me a rise of 3s. a week.

215. Do you remember anything of the time in Canterbury when a whole sheep would be sold for half a crown?—I bought sheep myself for less than that.

216. Sheep ready and fit for consumption?—I will not say ready for consumption. We used to take sheep round for 1s. a leg.

217. That was common twenty-five years ago?—Yes, and subsequent to that.

218. Is there any such thing now?—No, no sign of it.

219. So that there has been an immense rise in the retail price of meat?—Yes, undoubtedly.

220. Has there been any corresponding rise in rent?—There has been little or no increase in rent in Kaiapoi, but there may, at the present time, be a better class of house being built, and the landlords expect more money for it; rent in Kaiapoi, as compared with other centres, is low.

221. You mean that contemporaneously with the better conditions of living, working-people are now dwelling in better houses than they formerly did, and they consequently pay a higher rent in most cases?—Yes; in fact, I am pleased to say that in Kaiapoi the workers try to make their homes their own.

THOMAS HANNA examined. (No. 7.)

222. *The Chairman.*] What is your position, please?—I am president of the Canterbury Woollen-mills Employees' Industrial Union of Workers.

223. Are you actively engaged in the trade?—Yes.

224. Have you seen this Bill?—Yes.

225. Will you please tell us your opinion of it?—I think my opinion is practically the same as the secretary's.

226. You confirm what the secretary has said?—Yes.

227. In every particular?—Well, in clause 22 I think it would be advisable and much better for the union if the Inspector had a free hand to prosecute in breaches, without the union taking up the case. It would save the members of the union a lot of trouble and expense.

228. You think that the Inspector should, at his absolute discretion, prosecute for breaches of award?—Yes.

229. On whose information would he act—where would he get his information from?—The union could write to him if they heard of a case, or if he saw one he could take it up on his own initiative. I contend that the Inspector is like a policeman on the street: wherever he sees a breach committed or anything going wrong he should enforce the law. As things are now—well, I will just point out this Ashburton case. We had a letter from one of these young ladies about this breach. They were not sure of the log; neither were we.

230. They were working on the same log as yourselves?—No, slightly different.

231. A somewhat varied log of their own?—Yes. Well, we wrote to the Inspector. The Inspector went down and found various breaches of the award had been committed, and he had the employers up before the Court and they were fined. Well, it was impossible for us working at the Kaiapoi Mill to watch breaches in Ashburton and Timaru. We have no members in those mills.

232. You would be dependent on reports in the local papers?—Or complaints from individuals.

233. Is there any other point in the Bill that you would like to call attention to?—Only with regard to these girls. They were dismissed as soon as the case was heard, because they were called as witnesses. In this breach of the award the way the employers did it was like this: Into the web of tweed they rung in say about 10 yards of longer piece. The girls never knew that. Then they got them working two looms each, and made them do the double work.

234. Do you agree with Mr. Revell on that point about officers of the unions only being permitted to appear at the hearing of the disputes?—Yes, certainly—that officers of the union should be there.

235. Do you consider it would be fatal to your union if that clause in the Bill were insisted on?—The clause providing that no outsiders should be allowed?

236. Yes?—Well, it would be, as it has been before, that any member who took steps against the employers would be dismissed.

237. Then in your opinion the union would go to pieces?—Yes.

238. And it would not matter what other clauses there were in the Bill if the union was gone?—No.

239. What about that point as to collecting contributions from non-unionists?—I am in favour of that.

240. You have had some rather disastrous experiences?—Yes. Our union has been practically broken up—to a large extent through non-unionists. They are getting increased wages, and they are afraid of being penalised by being a member.

241. They are getting the wages which you fought for?—Yes. I might say that if clause 53 were passed and only men engaged in the industry were to be allowed to take up and manage the affairs of the union, the employers need not let them off unless they liked when the men wanted to do any business.

242. Do I understand you to mean that if an Industrial Council were formed to consist partly of three employees of your union and from your mill, and that a case was to be heard, it would be in the power of the employers to prevent any case being heard or any proceedings being taken by quietly intimating to those men that they could not be spared, or by putting them on work where urgency was necessary, or doing something like that, and so prevent their attendance? Is that what you mean?—Not exactly. Supposing the men wanted to get advice from a solicitor about any breach or other technical point, they would have practically to tell the company what they wanted before they could get off.

243. You have to give a valid reason for being absent when you apply for leave of absence?—Yes.

244. And to tell the truth you would have to tell your employers you were going to consult a lawyer?—Yes. At present we have a secretary who is outside the mill, and we can get him to do that sort of thing.

245. Is there anything further you wish to say?—No. I think Mr. Revell has gone through all the points.

246. *Mr. Barber.*] What employment are you in now?—The Kaiapoi Company's.

247. You are still employed at the mills?—Yes.

248. In what branch?—The dye-house.

249. You object to clause 53 because you are afraid of coercion?—Yes.

250. You mentioned the case of the girls working two looms—the Ashburton case. The girl expects to be paid at the same rate at piecework when working two looms as if she were working only one: is that your claim?—Yes. Why not? She was doing the double work. According to the log she should have been paid for the work she had done. It was piecework.

251. You mean to tell me that if a girl had four looms she should get four times as much as another girl who was working only one, although working the same hours?—No, because she could not keep the four looms going. She could not keep two going properly. They would have to stop.

252. What kind of looms were they when this girl was working two?—Old-fashioned, slow, plain ones.

253. Do you know that a girl can work two fast-running looms without any stops at all?—They might in some work, but in some work they could not—they could hardly mind one.

254. But this particular work is not given to a girl with two looms. You would not give a girl two looms unless she had automatic-changing bobbins. If she had to alter a loom every time to change a bobbin she would not attempt to work two?—No, but in this case that was not the award. The award said there should be one price for one loom.

255. Do you mean to tell me that the award implies that if by improved machinery a girl can work two looms without any difficulty—with probably less labour than a girl working a single loom under the old-fashioned system—she is to be paid double the wages of the girl with the single loom?—She is to be paid double the wages, unless they apply under clause 11 of the award and get a right to alter the rate of wages.

256. There are looms in this colony—fast-running looms—which turn out the stuff at a great deal faster rate, and a girl can without difficulty manage two looms?—These were not those looms, and it was not under that award. The procedure was fixed for altering any of the conditions.

257. *Mr. Poole.*] Is it possible for a girl to do good work watching two looms?—Not on those looms, unless it was on plain flannel or something like that.

258. Is that the material they run them on when two looms are being worked by one girl?—Yes, plain work, with no stoppage. If they were working rugs they would have to count the picks, and they would then have a job to work two looms.

259. It is only on the very plainest work they can keep two looms going?—Yes, with some sort of looms.

260. *Hon. Mr. Millar.*] As I understand you, the only clause of the Bill you have strong objection to is the one by which the officers of the union are confined to members of the industry?—Yes, that is the worst I consider of the lot.

261. Are your officers all members of the industry?—No. The secretary is outside. He has been in it.

262. He would still be qualified under that clause?—Yes, but if anything happened to him, or if he went away, we should have to appoint another secretary from outside, because if we wanted to get advice or anything like that it would be hard for us in the industry to get off without explaining why.

263. Could you not refer matters of that kind to the secretary of the Trades Council, and he give you the advice?—We are not affiliated.

264. You approve of clause 47, giving a union power to apply for the attachment of non-unionists?—Yes. I consider that practically as good as preference.

265. If that proposal is carried you ought to have a fairly large increase of membership through it?—Yes

266. You do not see any injustice to the non-unionist in asking him to pay for insuring his conditions of working?—No, I think it is only right. Half the increase in wages they have got through the union.

267. You are representing the opinions of the Kaiapoi Union in this respect?—Yes.

268. Do you object to cases of breach of award being heard in a Magistrate's Court?—No.

269. As far as you have gone the only clauses that you particularly object to are the clauses about the Industrial Council and the clause regarding the officers of the union?—Yes.

WILLIAM THOMAS YOUNG further examined. (No. 8.)

1. *Mr. Arnold.*] Is the Parliamentary Committee elected annually by the Trades and Labour Council?—No, sir. This committee, which is designated the Parliamentary Committee, was set up specifically to deal with certain matters, and one of those matters was the consideration of the Industrial Conciliation and Arbitration Act Amendment Bill.

2. It is not a committee that is set up during the whole session of Parliament to watch the proceedings?—This is the first year in which the Parliamentary Committee has been set up since I have been on the Council.

3. Are all the members of the Paliamentary Committee members of the Trades and Labour Council?—Yes, every one. It was proposed that one gentleman who was not a member, but who took a prominent part in the movement, should be put on the committee, but that was rejected.

4. Have you any idea of the number of unions in Wellington?—There are forty-two, so far as I can guage from the parliamentary return.

5. How many of them are affiliated with the Trades and Labour Council?—I am not certain as to the number, but Mr. Westbrooke, perhaps, can say. I think there are some twenty-five or twenty-six.

6. Do you contend that your Council represents the views of the whole of the unions affiliated with the Council?—Yes, our manifesto has been indorsed by every union that has considered the Bill, not only in Wellington, but throughout the colony.

7. Do you know of any unions that are not in agreement with your manifesto?—I do not know of any single union that is not in agreement with the steps we have taken.

8. I suppose it is a fact that there has been a considerable amount of dissatisfaction amongst the unions in consequence of the delays which have taken place in regard to the cases brought before the Arbitration Court?—That is one of our grievances, the lengthy delays that have occurred.

9. It is suggested that the Industrial Councils provided for in this Bill would get over that difficulty?—We are of opinion that that would not be so. As a matter of fact, it is our opinion

that it would take us much longer to get a case before one of these Councils than it does at the present time to get one before the Board.

10. If the difficulty does exist and causes considerable dissatisfaction, and the proposed Industrial Councils would not in your opinion meet the case, what would your Council suggest?—The only thing we can suggest is contained in the resolutions to be found in the report of the annual conferences of the Trades and Labour Councils. These suggestions in a large number of instances have evidently been overlooked by the Government in drafting the Bill.

11. If, instead of the proposed Councils under this Bill being set up, the present Conciliation Boards were reduced in number, say, to three, and it was provided by law that a number of experts should compulsorily be added to hear every dispute, would the same objection apply as is now made?—Of course, the committee has not considered that proposal at all; but I believe that as the law now stands provision is made for assessors to advise the members of the Board and the Court on question of technicality when the members are sitting *in camera* considering their recommendations or awards, as the case may be. That is at present the law.

12. Has that practice been adopted by the Conciliation Boards?—I think it was in the early stages of the Act. As far back, I think, as 1897, my recollection of the Seamen's dispute, which was before the Board then, is that an assessor on each side was appointed, who sat with the members of the Board to advise them on questions of technicality. The present law provides for exactly the same principle as is provided for in sections from 5 to 18 of the Act, and yet that power has only been utilised once so far as I know.

13. Do you not think it would be a good thing if it were made compulsory by statute that assessors should be appointed to sit with the members?—Yes, I believe it would.

14. There is a clause in the Bill providing that the secretaries and presidents of unions must be members of the particular trade for which the union is formed?—You are referring to section 53?

15. Yes. Do you agree with Mr. Westbrooke in that respect?—Yes, I do agree with him in that connection.

16. Would there be the same objection to a clause providing that members of the Conciliation Board must not be officers of the union?—That is a matter which I have submitted to the members of the Parliamentary Committee, and I believe a suggestion was made before the Minister when we interviewed him some three weeks ago in regard to the Bill, and it is this: that provision should be made for deputy representatives on the Board in identically the same way as we have deputy representatives for the Court at the present time, and that in the event of a case going before the Board in which the Board's member is directly interested as secretary of the union, he should not be eligible to adjudicate on the case, but his place should be filled by the deputy.

17. You know, of course, that there has been considerable dissatisfaction expressed in consequence of members of the Board having been prominent on either side, either in organizing unions or being secretaries engaged in formulating the disputes?—Yes. As far as the question of organizing is concerned, my opinion is that a member of the Board is entitled to do what he chooses in his own time whether he be a member of the Board or not. As a matter of fact, the gentleman who is now particularly referred to was engaged by the Organizing Committee of the Trades and Labour Council to go through the country districts and organize the agricultural labourers and other workers in the country who were not organized, and to recruit members of unions.

18. Would there be the same objection to prohibiting that practice as to prohibiting outside men acting as secretaries of unions?—The two cases are not analogous.

19. You think there would not be the same objection?—No.

20. With regard to the clause in the Bill which makes it compulsory that a certain portion of the funds of the union shall be retained in New Zealand, is it suggested that that is an attempt to cripple the colonial organization in any way?—It is clearly a restriction on the union in respect to the application of its funds. You can take the Federated Seamen's Union, if you choose, as an illustration. That has what is nominally known as a central head at Sydney, and if the clause was passed it would prevent us from sending more than one-fourth of our funds to Sydney. We should be compelled to retain three-fourths of our assets in the colony. The option, as I pointed out in my evidence, should be given to the unions to retain their assets in the colony if they require to do so, because there are some unions which have their central heads outside New Zealand, and which are compelled to remit their funds to the central head. It should be made optional for them to do that.

21. Does that objection apply only to a few unions or to the large majority of them?—As far as I can understand, the clause in the Bill has been inserted at the instigation of one union only—the Marine Engineers—a body that I do not regard as a union of workers at all.

22. Would it affect the ordinary union, such as the Tailors and Tailoresses' Union?—Undoubtedly it would affect every union in the colony which has its central head outside.

23. Is the objection to this particular clause general from the whole of the unions?—Yes, every union and Council that has so far considered it object to the clause.

24. Now, with regard to the clause that makes it compulsory for all engaged in the trade to subscribe to the funds of the union: For many years the Labour party has been striving to get preference for unionists?—That is true.

25. What is the difference between this proposal and preference to unionists?—One of the principal differences is the question of responsibility. As I pointed out in my evidence, the union is held liable for its actions under the Act, and if a union commits a breach of the Act or of an award it is liable to a maximum penalty of £500. If the union has not sufficient assets to meet the liability, then every individual member becomes liable to a maximum penalty of £10. This would not apply to the man who simply pays his shilling or two shillings a month—he gets off scot-free.

26. Preference to unionists would not cover that?—Preference to unionists would be the means of inducing these men to come into our ranks, and then they would incur equal responsibility with the man who is already in.

27. Will you tell us the difference between compulsory unionism and preference to unionists?—"Preference" means this: that a man cannot get work until he becomes a member of the union; in the other case the man can get work, but probably when he gets it he may join the union. I may say that the Labour Conference rejected the clause for compulsory unionism. It was twice rejected, because they are in favour of out-and-out preference, and as I said in my evidence, if we cannot get that we are willing to wait until we can get a Parliament sufficiently democratic to give it to us. There is a greater consideration from our point of view than the few pence that a man may be called upon to pay to the union.

28. Your Council still holds to the manifesto that was issued?—Yes.

29. Do you intend to put the manifesto in as evidence before this Committee—you have not done so yet?—That has not been considered, but no doubt the Parliamentary Committee will put it in as evidence.

30. *Mr. Poole.*] Have you had this Bill dissected by a legal expert?—No, we have not got any legal expert.

31. I suppose you are aware that there are a number of defects in connection with the operation of the present Act?—There are a good many, I am sorry to say.

32. Do you consider it is high time some alterations were made in it?—We do think seriously that in the best interests of both sides some alterations should be made.

33. You do not think the proposed measure is a remedy for the existing troubles?—I am sorry to say it would not be a remedy. It may be a faithful attempt to try and remedy the defects, but I am sure it will not have that effect.

34. Do you think it is an honest attempt to put before the country a measure calling for comment and discussion?—It may be an honest attempt to do something in the way of alleviation.

35. You do not question the honesty of this measure?—I do not think I should be justified in doing that.

36. In some places a suspicion has arisen that the Minister responsible for this Bill has become antagonistic to the unions?—To look at some of the clauses in the Bill one might conclude that.

37. Do you think that experts are necessary in labour disputes, dealing with particular industries? You would not call a sailorman in to sit and listen to the grievances in a carpenters' dispute—he would not be the most suitable man?—I do not know as to that. I came across a sailor only yesterday who had been driving a team of six or eight in America, and he knew all about it.

38. The illustration was drawn for this purpose: that when there is a dispute in a particular industry, do you think it is wise to have the men familiar with that particular industry to consult with in preference to men not familiar with it?—If assessors were provided for they would fully meet that case; but our idea is to keep the representatives both on the Boards and on the Court in a position independent of the employer.

39. It would be fatal, in your opinion, to the best interests of the workers if members of the particular trade sat on the Council to deal with the disputes?—There is no doubt that intimidation still goes on.

40. Are you inclined to believe, too, that a good deal of intimidation takes place and that men are dismissed for presumably other reasons than their connection with unions?—It is well known that the employer has a thousand-and-one reasons for getting rid of a man without the man being able to specifically prove that he has been put on one side because he is a member of a union or has taken some part in connection with a union.

41. Do you think that any slight pressure in the direction of dealing with men who are outside a union is going to be helpful in building up the strength of the union? I am referring to the contribution to union funds: do you think that clause will help to strengthen the unions of the colony?—It might increase the funds.

42. Do you think you would get more members in the union?—On the contrary, I think it would tend to reduce the numbers.

43. You think that men would object to that as being arbitrary?—Yes.

44. And you believe that all unions should be built up on a voluntary basis?—Yes.

45. How would you reconcile that with the proposal for compulsory unionism?—Under that clause you do not compel men to join the unions.

46. Under preference to unionists a man is not compelled to join a union, but he cannot get work unless he does?—Suppose I am a non-unionist, for argument's sake. I go to an employer and ask him if he wants a man. He says, "Do you belong to the union?" and I say, "No." Then he says, "You must join the union before I can take you on." Well, what does it cost to join—6s. or 7s. The employer says, "Go and join the union." I join it, and get the job.

47. Is not that a method of compulsion?—Not necessarily. That man can refuse to do so.

48. If he refuses he does not get the work, providing there are unionists in the field against him?—Yes, that is so.

49. *Mr. Barber.*] In giving your evidence you condemned the whole Bill: you do not approve of anything in the Bill?—That is not so.

50. I did not notice a single clause in the Bill that you approved of?—Oh, yes! The clauses not mentioned by me are approved of. If you read my evidence you will see that there are many clauses approved of.

51. Practically your evidence was a condemnation of the Bill?—A condemnation of the cardinal principles of the Bill.

52. Here is an attempt made to amend the law which you say is unsatisfactory to both parties, and yet you practically condemn the whole of the Bill without making any suggestions?—My answer to that is this: that I have given evidence before this Committee on several occasions, and have always been given to understand that a witness must deal specifically with the matter before the

Committee, and not to make any suggestions in respect to the present law. Our suggestions will be found in the annual reports of the conferences of the Trades and Labour Council, which have been placed before the Government.

53. We do not get those. We have to consider this Bill and to amend it if we consider it desirable to do so. Do you not think, following out Mr. Arnold's suggestion, it would have been wise to make some proposals by way of overcoming the objections to the present law?—We shall only be too pleased to make suggestions and bring them along if the Committee will give us permission to do so.

54. *Mr. Ell.*] You are speaking on behalf of the delegates present?—I am speaking as a member of the Parliamentary Committee.

55. You are the chairman?—No, I do not occupy that position.

56. Well, you have gone through the Bill?—Yes.

57. Will you indicate the clauses that you approve of in the Bill?—Clauses 1, 2, 4 (with all the words after the word "Court," in the 22nd line, struck out). We agree to clause 32, clauses 34, 35, 36, 40, 41, 42, 43, 44—subclause (1), paragraphs (*b*) and (*c*), also subclause (2)—clauses 55 and 57. Of course, there are a good many clauses that I referred to in my evidence where merely technical objections are adjusted.

58. So, as a matter of fact, you do not condemn the Bill as a whole?—No, it is only the cardinal principles of the Bill.

59. I notice that you have not made any reference to clause 50: what have you to object to in clause 50?—We ask that that be struck out.

60. May I ask your reasons for striking that out?—Well, perhaps it would be better if that question were put to one of the practical men conversant with the matter. That does not come under my notice at all. I do not object to answer the question, but I am not conversant with the matter of permits.

61. *The Chairman.*] Do you mean that you are engaged in an industry in which this is of little or no account?—It is never used in the Seamen's or Tramways Unions, with which I am acquainted. They are all qualified men by Act of Parliament; and Cooks and Waiters also, I believe.

62. *Mr. Ell.*] You are, of course, aware that the workers throughout the colony have asked for compulsory preference to unionists?—Yes.

63. If you have not all workers in the unions, how can you have compulsory preference?—The first thing we have to decide is, what is preference? "Preference" means that a unionist shall receive preference of employment over a non-unionist, all things being equal. That is exactly what is given by the Court to-day.

64. That is conditional preference?—Yes.

65. That is all that you are asking for?—No, we are asking for unconditional preference, the same as the unions had prior to the maritime strike of 1890.

66. Under conditional preference a unionist must be taken before a non-unionist if he is able to do the work?—Yes.

67. If all workers were compelled to join a union, do you not think you would have a better chance of securing compulsory preference?—I will give you a practical illustration of that. It has been admitted all round and cannot be denied that the Seamen's Union have some 95 per cent. of seamen employed in its ranks. It has been on four occasions before the Arbitration Court, and on each occasion asked for preference, and proved right up to the hilt that it had 95 per cent of the seamen in the union. Yet it has not got preference and never will get it from the Court, notwithstanding that before 1890 the union had out-and-out preference, as the Minister well knows—he piloted the union through the maritime strike. I would just like to add this: that we have received numerous complaints from shipowners about certain men getting intoxicated, missing their passages, and putting the ship to considerable inconvenience through additional work being placed on other members of the crew. We as a union have no power against the men for doing that, and when I have received complaints I have said, "You claim the right to employ whom you choose, and that being so, you can put up with the inconvenience until the union gets unconditional preference. When we get that we will undertake to see that you are protected from this kind of thing." What is going on is very disheartening to any man who has to deal with these cases.

68. Do you not think that if every worker was in a union it would strengthen the union and your position in demanding this compulsory preference?—Undoubtedly it would strengthen our hands, but the clause you may be referring to will not put a single man in a union. On the contrary, the tendency will be to take men out of it.

69. *Mr. Hardy.*] What is your reason for urging that officers of the unions should not be workers in the trade?—The reason is this: it is a well-known fact that if a man takes any prominent part whatever in connection with his union, being dependent on his employer for his bread and butter, he will very soon have to find another man to employ him.

70. You wish to have them, then, in a measure independent of their employer?—Yes, that if a union chooses to have its officers independent of the employer, it should be allowed to have that privilege.

71. In New Zealand it is an old adage that "the old order passeth away and the new order ruleth," I suppose?—I do not know anything about these proverbs.

72. Well, are there any changes going on here?—There are changes going on throughout the world.

73. Do you not think the employee of to-day, speaking figuratively, will be the employer of to-morrow?—Not necessarily so. There may be some men working for their living to-day who may be employers to-morrow, but the majority will be workers until they pass away from this earth.

74. But, as a rule in New Zealand, are not the employers men who have been employees?—I cannot say.

75. That does not come within your experience?—Of course, there are men who have been workers in years gone by who are employers to-day.

76. Are not the large firms and large farmers ——?—I do not know anything about farmers.

77. If, as I ask you, the employees of to-day will be the employers of to-morrow, are you training them well so that they may be good employers in the future, and so that there will be no reason for all this legislation?—I do not know. My experience is that when a man becomes an employer he invariably changes—in about ninety-nine cases out of 100.

78. He becomes conservative?—The man who becomes an employer after having been an employee is practically the worst man we have to deal with, because he knows all about the inner workings of the organization—every little thing of the movement.

79. He understands the tricks of the trade?—There are no tricks in the labour movement.

80. You have just told us that an employee when he becomes an employer has learned so much about the industry?—Yes.

81. Then he must be up to some of the tricks, or he would not know?—He has a knowledge of the workings of a union, and uses that knowledge against the members of the union when he becomes an employer.

82. Do you really think that the small man you are now describing and who has been an employee is worse than a large employer or members of a big company?—I said in the large majority of cases he is worse.

83. Then the training he has been getting for the last few years has not been good?—He is just like some skippers. The skipper who is taken out of the forecastle is the worst "rooster" you can get to boss the men.

84. You spoke of the marine engineers, and said that you did not recognise them as a body of workers: what are they?—I do not know what they are—it would be very hard to say.

85. Are they employers?—Well, the secretary of the institution owns one of the largest warehouses in Wellington.

86. You would not object, surely, to a worker improving his position: you would not mind yourself acquiring a property?—If you offered me 1,000 acres of land I would not refuse it.

87. You spoke of a Parliament being democratic: what do you mean by that?—Sufficiently democratic to give us preference to unionists.

88. And when do you expect that millenium to come about?—The numbers are gradually increasing. Mr. Arnold moved his amendment in 1904, when some twenty-one members voted for it, and again, I believe, it was moved last year in connection with the Coal-mines Act, when some twenty-seven or twenty-eight voted for it.

89. Now, you generally condemn the measure?—I condemn the cardinal principles of it.

90. Who do you think is responsible for the policy of the Bill now before us?—I should say the Employers' Association, and whipped into shape by Dr. Findlay.

91. Who is responsible for Bills brought before Parliament?—The Cabinet.

92. Therefore you do not approve of the Cabinet's action over this Bill?—No, I do not. I am sorry to say I cannot approve of it

93. *The Chairman.*] You spoke of employers in connection with shipping complaining to you with regard to troublesome seamen causing loss and delay?—Yes.

94. Are those men members of your union, or are they non-unionists?—A good many of them are non-unionists. It occurs in this way: These men invariably desert from the oversea steamers. They are not members of any union, and are subsequently employed by the Union Company, and the chances are that when they have earned about four or five weeks' pay they get on the spree along with some Old Country friends, perhaps. They get drunk, and often miss their passages.

95. And discredit the general body of seamen without being regularly connected with your union?—Undoubtedly they do.

96. Do you think that the reason of the officials complaining to you is to make your union responsible for this?—Yes.

97. And to try and get you to exercise some control over these men?—Yes; but without preference we have no power.

98. They are asking you to do the impossible?—Yes.

99. *Hon. Mr. Millar.*] You object strongly to the abolition of the Conciliation Boards?—Yes.

100. These Conciliation Boards are at the present time a Court, are they not?—I do not know that they can be placed on the same footing as a Court.

101. You have a Bench sitting with professional advocates on both sides?—You mean agents appearing?

102. Yes. You have three or four men in the labour ranks acting as professional advocates. They are there time and again, in dispute after dispute, advocating in the same way as they do in a Court?—Yes, that is done for this reason: that the man who is dependent on an employer for his living will not go before the Court while knowing the responsibility in front of him.

103. Do you consider that that method is likely to promote conciliation?—I said in my evidence that since Mr. Willis's amendment of 1900, which is known as the Willis blot, there has been little or no conciliation between employer and employee, and we are face to face with this: that there is nothing else but a hard system of arbitration. We on our side want as much conciliation as you can give us.

104. Assuming that conciliation was not an absolute failure before the Willis blot, it has been since. That is admitted. I think if a return was shown to you it would prove that it was a failure prior to the Willis blot. Will you still maintain that the present system is the best?—With the suggestion made by the Labour Conference carried out, I maintain that it is the best system. Under the Act no one employer can refer a recommendation on to the Court. You make provision that that shall only be done by a majority of the employers, and you will find that the Conciliation Board will do much better work.

105. Now, with regard to the question of sacrificing the men: how do your advocates produce their evidence to satisfy the Court?—We have to do the best we can with our evidence. There may be some men in connection with the trade who have sufficient backbone to come forward and give evidence, and who are not afraid of their employers; but those men are not sufficiently com-

petent to conduct the case before the Board or the Court, and further than that, there is very little evidence brought before the Board.

106. The objection principally to the abolition of the Boards is that you cannot get qualified men within the ranks of the unions to sit on these Councils?—No.

107. And that there are only some fourteen men in the colony qualified to look after the interests of labour according to that statement?—I beg your pardon. You are entirely wrong when you say there are only fourteen men in this colony qualified to conduct the affairs of labour. We have more than that number in the City of Wellington alone.

108. There are none but paid secretaries of the unions qualified to conduct these cases?—No, sir, I do not say that; but the only man who is independent of an employer for his bread and butter is a paid officer. You may call him a paid secretary or a paid president, which you like. I know if I had to depend upon getting work on a ship for my living I would not get it.

109. Are these the only grounds upon which you object to Industrial Councils—that there would be no men qualified to take up the duties?—One principal point is this: that you have to apply to the Governor for the setting-up of the Council, and if he thinks fit that the dispute is of sufficient importance he will set up a Council, but if it is otherwise he will not do so.

110. But if that clause is made mandatory so that it will provide that he shall set up a Council, what then?—The main objection is that the men sitting on the Council have to go back to their boss after the case is over.

111. In reply to Mr. Arnold you said that Conciliation Boards would be improved by the appointment of experts to assist the members of the Board?—I said I understand that the law at present provided for that.

112. You said, in reply to a question, that it would improve the Boards?—Yes.

113. What are these experts going to do when they go back to their employer?—It is hardly worth while to misrepresent the position of an assessor. He does not sit in public—he sits *in camera* to advise the members of the Board.

114. Have you ever known any assessors in any Court who did not sit on the Bench and hear the whole of the evidence?—In nautical inquiries assessors sit with the Magistrate.

115. Do you know of any case under the Arbitration Act where the assessors did not sit with the others?—Yes, in the case in 1897, to which I have referred. That was the Seamen's case, which was heard by the Board in the Government Printing Office. In that case there were two assessors appointed—one on each side—and they sat with the members of the Board *in camera*, and advised on questions of technicality only.

116. Are there any other cases?—I believe there are other instances where there have been assessors appointed, but I cannot specifically mention them.

117. You think there is no risk at all to men when acting as assessors and who are well known to the employers, and yet there is a risk in the case of men who are appointed to sit over a table?—Yes, the assessor does not enter into debatable matter, but simply advises as to technical matters. He merely advises as to whether a coat is a coat or a vest.

118. And what shall be paid for it?—That is not the function of an assessor.

119. I do not care what position he is in, he is there to represent the workers, and you say he is not likely to be a marked man?—Yes, because, as I said before, he does not enter into debatable matter.

120. You say they would not be marked men in that case, but they would be if they sat round a table?—I have not said anything of the kind. I said you can get men of sufficient backbone to give evidence before a Board or a Court, but whilst that is so the large majority—I might say 99 per cent. of them—are not sufficiently competent to conduct a case for the members of their union.

121. Is there anything in this Act which prohibits a union appointing any one it likes to conduct a case before the Arbitration Court?—The Court is hardly involved in this Bill.

122. Is there anything in this Bill which prevents any person appearing for the union before the Court?—No.

123. As far as the Court is concerned it is open to the union to get any one to appear for it that it likes, other than a lawyer?—Yes, if the Court granted the power to appeal.

124. Do you think that power should not be allowed?—In this Bill it is proposed to give the Court that power.

125. Yes, to open and hear the whole case or only the part in dispute: has that not been asked for by the unions all along?—Yes, we ask that anything agreed to before the Boards shall be deemed to be agreed to before the Court.

126. The proposal is just the same here?—But you are altering the representation.

127. We are altering the representation so that the men in the industry shall conduct the case: is that not a proper thing?—No, we think it is altogether improper.

128. You think that men without any knowledge of the industry are the best able to recommend an amicable arrangement?—Well, I am not a practical tramwayman, and I am secretary of that union, but I venture to say there are few men who can tell me anything about it.

129. Do you not think there are men equally capable of doing the work in the tramway service?—I do not know of any single man who is able to come forward and argue their case before the City Council.

130. They are not fit to discuss the matter with the City Council?—An effort was made in the City Council to get the men to appoint some other person as secretary, and this was the answer the union gave to the Council, that no person holding a position in the tramway service should be eligible for the position.

131. I have a telegram from the Auckland Tramway Union stating that the majority of their members desire this Bill?—Thank you, I will make inquiries about that.

132. With regard to the trades-union funds being kept in the colony: you will remember that I told your deputation that so far as that clause was concerned, it was put in at the request of a union which wanted to protect its members in the colony, and I said that that could go out. with regard to the power of collecting contributions from non-unionists, the clause is optional, is it not?—That is true.

133. Therefore, if the union is afraid that it might lose its members, it would not apply for that power?—That is so.

134. On the other hand, if a union desired that power, should it not have the privilege to ask the Court for the concession?—The way we look at it is this: it is abrogating the long-fought principle of preference to unionists.

135. That is your opinion as one of the members of the parliamentary committee?—That is the opinion of the members of the parliamentary committee, and it is an opinion which has been indorsed by all the Councils.

136. You maintain that notwithstanding the fact that there are a large number of unionists who desire to have this power, your parliamentary committee should advise this Committee not to grant it?—I do not know of any single union which wants the power.

137. But if evidence is given to this Committee that they do, do you say that they ought to be denied the power?—What we say is that we want out-and-out preference.

138. You are prepared to go a long way on account of the gross injustice suffered by unionists paying money to insure a man's living while there are men outside the ranks getting benefits for which they do not pay?—That is only one point in the argument. It is not dealing with the question in a comprehensive or practical way.

139. Notwithstanding the fact that there may be a large number of unionists who desire this, you still, as a member of the parliamentary committee, ask this Committee not to grant it?—Yes. There might be individual members of unions who would come along here and say that, but probably they have not read this Bill, and do not know anything about it.

140. Here is a statement from a member of a union after the meeting of his union: "Last Tuesday night we discussed the Bill, clause by clause, from 8 till 11 p.m., and it shows the necessity of each and every society holding a special meeting to discuss the same, instead of playing the game of 'Follow the leader,' like sheep going through a hole in the hedge, which I am sorry to see most societies have done so far." Is that from a member of the union?

141. That is from a member of the union. The official report is in the paper?—He had no right to divulge what took place in the union.

142. You stated your opposition to clause 53: will you tell me how many unions in the colony are officered by men in their own ranks?—I cannot tell you the number in the colony. As far as I am able to estimate, there are some forty-two registered unions in Wellington City proper, and that clause will deprive, to my own knowledge, no less than twelve unions of their present secretaries, to say nothing about the other officers and management committees.

143. Would you object to your parliamentary committee sending in a return to this Committee containing the number of the unions?—If the information is obtainable, I think we shall be only too pleased to do so.

144. We can give you a parliamentary paper showing the return of unions, if you will mark the unions which will be affected—I mean any officers at all connected with the unions?—We object to the clause on the ground that it is dictating to the unions whom they shall have as officers. You might just as well dictate to companies, under the Companies Act, as to whom they shall have as officers or secretaries. The secretary of an organization or other officer is not exactly the union. He is there to carry out the instructions of the members of the union.

145. With regard to the question of men being afraid to meet their employers with a view to coming to an agreement: I suppose you are aware that there was a meeting of hands employed in different parts of Taranaki who came to an agreement with their employers?—That might be so, but I am not aware of it.

146. Are you aware that the timber-workers, over eighteen hundred strong, met the employers in the Auckland district and entered into an agreement?—That might be so.

147. You know that there have been dozens of cases where representatives of unions have met their employers and come to an agreement outside of the Conciliation Board, and yet there have been no men sacrificed. So far as the timber-workers of Auckland are concerned, three men belonging to the union, according to the newspaper report, the manager, the sub-manager, and one of the ordinary employers met for three years and fixed the wages?—That does not apply here. I am a professional secretary of the tramway employees, and I was appointed to meet the Corporation here, and we made an agreement and got preference to unionists.

148. That does not alter the fact that in the other cases they have had complete liberty and occupied the same position. You had some of the tramway men with you?—Yes.

149. Were they sacrificed?—No; but while in the service they did not take a prominent part in the matter.

150. You took the lead?—I was the leader.

151. The large unions have secretaries from among their own members?—That may be so, but I object to the thing on principle. We claim the right to have whom we please, and we say a restriction of such a kind should not be placed on any corporation. You might just as well tell the Union Steamship Company whom they must have as their manager.

152. You laid very great stress on the clause giving the right to the Labour Department to demand payment from an employer of a certain proportion of a man's wages when he has been fined: what course do you propose by which the Crown can get a penalty which has been inflicted, if a man cannot be put into prison? From what source can you suggest that we should get the fine?—There is ample provision made in the present Act for getting the fine.

153. In what way?—The Appeal Court could settle that.

154. Do you approve of imprisonment?—We say the Act meets all requirements.

155. Do you say that the Act should provide that a man shall go to prison? If we apply to an employer to deduct the fine it will only be in cases where the man has refused to pay in any way?—Clause 28 specifically lays it down that on the issue of a certificate of any Magistrate who has inflicted the fine, that is equivalent to a final judgment in the Magistrate's Court in civil juris-

diction, and you should know as well as I do that the final judgment is, "Pay or go to gaol." Once that certificate is issued it is equal to a final judgment of the Court.

156. Before we apply for that certificate we apply in another way to get the money?—You do not say so.

157. If the power to imprison is taken out of the Bill, do you then approve of this other clause?—Probably the committee, if you make provision for the domestic surroundings of the worker, with regard to the reduction in the man's wages, would approve of it. We do not take up the attitude that if a man commits a breach of an award or the law he should get off scot-free. We expect an employer to obey the law.

158. There is the worker who is willing to pay and does pay, but what means have we to get at the man who will not pay?—You have means already—there is your Appeal Court.

159. If a man commits a breach of an award and is fined by the Court for that breach, you know there is no process by which we can get that money unless through the power of distraint?—Yes.

160. The power of distraint is only open when a man has something to distrain upon. A man who has nothing to distrain upon can defy you all the time. Do you think if you were a man who had paid your money you would be justly treated if a man like that were allowed to work alongside of you?—If you were to provide that in the case of men receiving only £2 a week the power should not be enforceable, it might be all right.

161. No penalty has anything to do with the Wages Attachment Act. This is not a civil action at all?—If a man committed a breach of an award, which might be a trivial matter, and the Court inflicted a fine, that clause would be enforceable against the man in the same way as in the case of a body of men who defied the law and came out on strike.

162. But under this clause you would always be able to get at this man while he was in New Zealand?—It would be absolutely useless unless a man got employment. Supposing a man was fined to-morrow, and in five or six days' time left his employer, who is going to pay the fine?

163. We shall be able to follow the man up. If we say there shall be no power of imprisonment, would you then approve of the Department following the man up until he has paid?—We do not object to every effort being made to recover from a man the fine inflicted upon him, but we do say that if a man is not able to pay he should not be put in prison—that some consideration should be given to his domestic surroundings, because he might be a man having a wife and large family to support, and it would be extremely hard for that man, if he was only getting £1, if his employer could deduct 5s. from his wages.

164. You say you approve of the civil process, which is that where a penalty is not paid you have the power to distrain. I do not want the power to distrain, because nine-tenths of the unionists will pay the fine at once, or as soon as they possibly can. In the case of the slaughtermen, we have been taking as little as 2s. 6d. a week, although the amount of the fine was £5. It does not follow that we should claim the full 25 per cent. to be deducted. The only time we should press for it would be if we knew the man was going, say, to Australia. The employer is not allowed to take a single shilling unless he is instructed to do so by the Inspector of Awards?—But there is no provision with respect to ascertaining whether the man is in a position to pay or not.

165. If a man is getting £1 a week he is often in a position to pay?—But there are single men who have a mother and father to support.

166. In other words, you say that a single man who has nothing to distrain upon until he gets into work ought not to pay and should be allowed to go free?—I say some consideration should be given to the man's domestic surroundings.

167. Is there any consideration given to you in the Court when you are fined £1?—There is time given to pay the fine.

168. Are we not spreading the fine under this Bill over a period: we could not claim more than 25 per cent. If a man was willing to pay and was not wanting to clear out, if he liked to send 2s. 6d. or 5s. a week, so long as he showed his desire to pay, he would be quite safe; but the man who says "I will not pay" we would follow all over New Zealand?—Yes, that may be so; but you must remember that this is a proposed statute, and you may not always be Minister of Labour.

TUESDAY, 24TH SEPTEMBER, 1907.

ELIJAH J. CAREY examined. (No. 8.)

1. *The Chairman.*] What is your position?—I am secretary of the Cooks and Waiters' Union, and a member of the Parliamentary Committee of the Wellington Trades and Labour Council.

2. Have you seen the Bill which is now under discussion?—Yes.

3. Will you please tell us what your union thinks of it?—My union adopted the recommendations of its executive which practically indorsed the whole of the manifesto which was issued by the Parliamentary Committee of the Trades and Labour Council, and they have instructed me to give evidence on their behalf and also as a member of the Parliamentary Committee. In the first place my union objects to the abolition of the Conciliation Boards in favour of the Industrial Councils. They consider that the Board in 90 per cent. of the cases heard by it has given better recommendations than are contained in the subsequent awards in the same cases given by the Arbitration Court. My union realises and I believe—speaking for the Committee—that there has been a lack of conciliatory spirit shown by the employers when before the Boards, so much so that in many cases the employers have refused to attend the sittings of the Board, and the lack of the conciliatory spirit has been shown by them when they have been asked to attend the sittings. In our own case, when we asked for a conference with the employers, they refused to attend, and said they would fight the matter out in the Court. That was the invariable answer we received. We believe that the proposed Councils will result in poorer conditions being given than those we have been obtaining. We believe that because we think the institution of the Councils will do away

with the independence of the advocates who appear in industrial disputes at present. I believe that, so far as my union goes, it would be absolutely impossible—and I say it with all seriousness—to get Industrial Councillors to sit on our behalf on the Industrial Councils, for this reason: that the men whom we should require would need to be intelligent men, and such men by their very intelligence have secured the best positions in the hotels in the city. The poorer men have the worst positions—the positions which are less keenly competed for—while the position of an intelligent man such as a chef is competed for by the ten or fifteen men under him. I would draw the Committee's attention to last Friday's issue of the *Mail* in Wellington. The reporter of the *Mail* saw some of the people in our industry in reference to our agreement, and the men who complained about the agreement were the men who are in the superior positions. The reporter first had to ask the permission of the boss to interview the men, who knew that the boss would intuitively know who gave the evidence, and if their criticism was not fairly straight and in favour of the boss they knew that they would have to seek employment within a week or two. I say that and know it to be a fact. I believe it would be impossible to get Industrial Councillors if this clause were adopted. It would not be so much the danger that the men would suffer themselves, but the danger arising from the fact that rather than be intimidated through sticking firmly to the demands drawn up by the union the Councillors would sell the union. Every man knows that the minute the Council is dissolved he must go back to the trade on whose behalf he has been appearing, for his bread and butter. Every demand when first asked for by the union is considered visionary. In our case we go to the Court and ask for a six-day week, and if we get men to represent us they will probably not argue such a debatable point with the men sitting on the opposite side of the table. I believe we shall get that reform in four or five years under the present system, but if the Industrial Councils are instituted we shall not get it in ten years, because the men will be afraid to argue it for fear they may not be able to get work in their trade afterwards. There has been in our trade special intimidation. It has been as ripe as a rotten orange—it has been rampant; and I want to get this into my evidence because I may be asked questions later on. We found that the man who was first to suffer was the man who with me organized the union—Mr. Murray. He worked at the Cecil, but left there of his own accord. He has been out of work for the last year, and although waiters have been wanted the employers have always refused to give Mr. Murray employment, although they have required as many as five or six men on one day. He has been sent to the country on one or two occasions and letters have come back stating what a fine fellow he was. He has been working on the wharf for the last year because he could not get employment at his trade. Mr. Block, our present president, at the time of the formation of the union complained at the meeting of the union that the hours he was working were in excess of the hours prescribed by the Act. Next day Mr. Fairway, his employer, told him he did not want men there who talked about the hours they worked at the union meetings, and he was dismissed. We referred the matter to the Department, and the Department told the deputation among other things that it was the man's word against the boss's word, and there was no chance of a conviction if they took up a case of intimidation. The first thing we noticed after starting our employment-book was in connection with Mr. Carroll, who keeps tea-rooms in Wi Street. Three of his girls left because things began to get unpleasant. I do not say that that was on account of the formation of the union, but some of these girls had been there longer than two years and all had been longer than one year. I put their names down as the three first waitresses on the employment-book, and although that was the case the employers afterwards wanting waitresses took on other girls not in the union. I did not report this at the time because we wished to work amicably with the employers at the start, but I interviewed the employers and they said they had consulted the employment-book themselves. But the late employers of the girls had refused to recommend these girls to other places, and I am perfectly sure that it was to prevent these girls from getting employment because they were in the union at the inception. We reported Mr. Godber for not giving his employees the half-holiday at his establishment on Lambton Quay. Within a week of the visit of the local Inspector six of the girls out of a total of eight were told that their services would not be required. When the case came on at the Arbitration Court one of the other girls (Miss Barnes) was subpœnaed by the Department to attend and give evidence. She went to work in the morning and left at 10 o'clock, and had to wait at the Court till 1 o'clock. As a matter of fact she gave no evidence, because Mr. Godber admitted the complaint, but when she went to the Lambton Quay establishment to start work she was told that she was wanted up at the establishment in Cuba Street, and was there saluted with the question, "How dare you go and give evidence against Mr. Godber!" and was paid off immediately.

4. And yet she had given no evidence?—No. I reported this case to the Department, but the result was similar to the last one. It was the word of the girl against that of Mrs. Godber, who acted for Mr. Godber, and nothing further could be done in the matter. Mr. Kirkcaldie, another tea-room proprietor, is another man who went in for intimidation on a large scale, and attempted to defeat the agreement and persuade the girls to have nothing to do with the union. The Department were successful in winning this case, which was taken under section 108 of the Act, which says that no employee shall be dismissed merely because he is entitled to some benefit accruing to him through an award. Mr. Carroll found some time after the agreement had been in force that he was not bound by it, and Mrs. Carroll—for him I presume—told two of the girls, Chapman was their names, that he was not bound by the union agreement and they would have to resign. Mr. Godber also found that he was not bound by the agreement after some little bit of machination. He told Miss Person, a union girl in his employ, that it would be better if she resigned from the union, and she resigned; and I do not know whether it is a coincidence or not, but shortly afterwards another girl who was working for Mr. Godber, and who was a member of the union, also came along and resigned. Since then—it is only hearsay evidence—several of the girls have told me that they have been refused employment by Mr. Godber because they were members of the union. When intimidation is so rampant as this I maintain that if the Industrial Councils are established it will mean poorer conditions for the unions, because the unions'

representatives will give way on the Board where men in an independent position, such as those connected with the Conciliation Boards at present, would not do so. In clause 20 I think the Government have not abided by the wishes of the workers, because there will now be greater difficulty in appealing against the recommendations of the Industrial Councils than there has been in the case of the Conciliation Boards. Clause 20 of the Bill provides for a second ballot, or practically that which is a ballot, for an appeal from the Industrial Council to the Arbitration Court. In the present Act the union may, after a meeting called for the purpose by the executive, refer the recommendations of the Board on to the Court. At present one employer may do that, or an employers' association may do it. If the Bill becomes law the union will have to take the same ballot as is necessary to create an Industrial Council. We have all along asked for the abolition of the cumbersome ballot system, and yet we have another thrust upon us here. As far as my intelligence guides me I think one employer may refer the matter on after the Industrial Council has disposed of it, as he is able to do at present from the Conciliation Board. I notice according to clause 11 that the parties to any disputes before the Industrial Councils shall be industrial unions, industrial associations, or employers, and clause 20 says that any party, after a meeting has been called by resolution, may refer the case on to the Court. I do not think any employer who is a party to it need call a special meeting to refer it on. I take it that under the Bill any employer who is not a member of an association may ask for leave to refer the matter on to the Court in the same manner as he is now privileged to do. I want to give evidence on behalf of my union with regard to a proposed new clause passed by the Trades Conference and not embodied in this Bill. It is a suggestion of the Conference.

5. Have you a copy of it?—Yes. "That it be not within the power of any Conciliation Board or Arbitration Court, when making an award or industrial agreement, to prescribe in such an award or industrial agreement hours of labour for any class of workers in any industry in excess of the hours prescribed by Acts of Parliament for workers in that industry. Neither shall the Board or Court have power to make any provisions in their awards and industrial agreements which will deprive the workers coming under the scope of those awards and agreements of any holidays or other privileges which are granted to those workers by Act of Parliament." I will give you the reason why my union is so keen on the matter. We find that under the Shops and Offices Act it is provided that shop-assistants shall only work fifty-two hours a week. The Wellington Board of Conciliation in its recommendations in our case prescribed a week of sixty-five hours, or thirteen hours in excess of this Act. This was pointed out to the Conference at Dunedin, and the need of it was so apparent to all that the resolution was passed almost without discussion. We therefore ask for a new clause in this Bill—the Minister of Labour some time back promised that it would be done—stating that it shall not be within the power of the Board or the Court to fix the hours of labour in recommendations or awards in excess of the hours already fixed by an Act of Parliament, and that it shall not be within the power of the Board or Court to take away any holiday privileges granted by Act of Parliament. The necessity for that must be apparent to members of this Committee when, as has been shown in our case, five citizens of Wellington can upset the intentions of members of Parliament. The members of Parliament in their wisdom have limited the total number of hours for shop-assistants to fifty-two hours, but the Board has extended our hours by thirteen, and for eight months the shop-assistants in our trade have been working thirteen hours a week in excess of those prescribed by the Shops and Offices Act. I refer particularly to waiters in restaurants. In all other parts of the colony they work fifty-two hours, but in Wellington, because we have taken advantage of the Act and gone to the Court, we have thirteen hours extra imposed on us. That I think was an end never contemplated by any of the well-wishers of the Arbitration Act. I want now to refer back to clause 21, and my union and the Parliamentary Committee are at one on this matter. This is a clause that greatly affects the members of my union, and I would like to give a little history as to how it affects it. Under the present Act a recommendation by the Board operates as an industrial agreement. When the Board makes that recommendation the agreement binds only the parties who are parties before the Board. If an industrial agreement is entered into between the parties and is filed with the Registrar, that agreement only binds the parties to the agreement. We found that within a month after our agreement came into force there were four or five employers who were not bound by the provisions of the award, and we found also that what we believed to be chicanery was being made use of. For instance, Mr. Godber, whom we cited as James Godber, and who has one shop in Cuba Street and another on Lambton Quay, was a party to the agreement. He somehow got to know that if he could put his business into somebody else's hands he would no longer be a party to the agreement, so he floated his concern into a company and James Godber is the managing director. Mrs. Godber and two or three members of the family are the members of the company, and the result is that Mr. Godber is not under the agreement as he was formerly. Mr. Mawson, who runs a business opposite to Mr. Godber's place in Cuba Street, is compelled to compete with him and to pay as much as 5s. or 10s. a week per employee in excess of what is paid by Mr. Godber. Therefore we ask that clause 21 of the proposed Act be made more mandatory. We ask that the word "may" shall be struck out in the fifteenth line, and the word "shall" be substituted for it. We think that in all cases where the majority of the workers are employed in any industry governed by an award, the Court should on all occasions bind any employer who is not a party to the agreement, but who becomes subsequently an employer in the industry. We think this should be done primarily to restrict unfair competition such as is going on in Wellington at the present time. My union also are afraid of legal technicalities, and would like, wherever an industrial agreement is mentioned in clause 21, the words "or recommendations of the Conciliation Board" added. They consider that the recommendations of the Board, although operating as an industrial agreement, if legally argued in Court by solicitors would lead to trouble in proving that they were an industrial agreement. Therefore we want to guard against any such technicalities of this kind, and think that all employers should be bound by such an agreement, as it is only just to the employers and to the members of the union. I want now to give evidence on behalf of my Committee in reference to clause 47—compulsory contributions. We believe that if this is

brought about, instead of enhancing the membership of unions it will tend to their destruction. We want to improve the *morale* of the unions, not the financial strength of them. I might be prejudiced against the employers in our trade, but I believe this: that the employers in our industry would pay the men's contributions to the union rather than see them join the union. I believe they would in a surreptitious way make such arrangements individually with their employees that they would even pay them in excess of their wages the amount that might be asked by the union as their contribution. There is no necessity for this provision in my union, which has preference, or any other union which has preference. When once we get preference to unionists—even though it be the scant preference we have, or most of the unions have—we guarantee that in the course of a year or two we shall get every man who is in the trade into the union, and when we get them in by their own volition their minds are much more pliable and we can educate them more into unionism than by getting so-much per week from them by force of law. Therefore we say that instead of helping to improve unionism this clause will tend to destroy it. With the exception of cases like that of the Seamen's Union, in which preference has always been refused, I believe that 68 or 70 per cent. of the unions have preference now, and as much per cent. of the new unions formed will get preference in future. But in the case of a union which has a membership of 300, with 1,000 workers employed in the trade, if that union has not preference and takes advantage of this compulsory contribution clause, it will find that through the efforts of the employers as much as through the lack of sympathy on the part of the men themselves, the men will continue to pay the contribution which is forced upon them, but will not join the union, and the position will be this, that when they go to the Court for the next award and ask for preference—which they would have a reasonable hope of getting if they increased their membership by 100 in the ordinary way—the Judge will say that in any industry where the men compulsorily pay their contributions and 700 remain out of the union while 300 remain in, the Court will not give preference, and this is what I fear this clause will do. The greatest argument for preference in the past has been that more than half the workers in the trade are in the union; but if this clause is instituted it will result in men paying contributions into the union but not joining it, and we do not want to see that state of affairs brought about. Besides, this clause will create a fighting force against us, for this reason, that the employers always fight us with money and with bought brains. They will in every case take advantage of this compulsory contribution. Their entrance fees are much in excess of ours and go as high as five or six guineas I believe, and there is no limit to what an employer shall pay to become a member of his union. We are limited in our entrance fees, because every award which gives preference provides that the entrance fee shall not be more than 5s. There are always in every industry four or five employers—especially the large employers—who belong to the association; it is the small man who often is not a member of the association. But the large employer will see to it always—even if it is to kill the small employer only—that they become members of the association; so that instead of having only one or two of the large employers to fight, if this thing is brought about every employer will be united against us. We have often in the past won our cases out of the mouths of the employers themselves. This I state to be a positive fact, and I will mention the General Labourers' case recently before the Court. The men were so afraid to give evidence that the secretaries were forced to get evidence from the employers themselves. If this compulsory contributing clause is passed it will mean that the small employers, who will then be members of the association—because they will not pay to the extent they will be asked, and not be members—will be overruled by the larger employers and will not give evidence in our support. Now with reference to the compulsory reductions for the payment of fines. We quite well know and do not attempt to refute that if a man is fined it is his duty, if he is able to do so, to pay the fine. But we do object to the employer getting a tighter yoke round the men's necks than they have done in the past. We will never agree to the employers taking from us any part of our wages. We believe it will be an abrogation of all the Acts which have been passed to secure to the worker his wages at the end of the week. If that clause is passed it will do more harm to unionism than any other clause, for this reason, that it will kill the spirit of agitation for reforms. The men will know that they are so hard-and-fast bound by any act they might commit that they will refrain from committing such acts, even though there is a great necessity for them. I think that is all I want to say.

6. That completes your statement?—Yes.

7. *Mr. Ell.*] You attach very great importance to the demand the workers have been making for a great many years past that the Willis Blot in the Arbitration Act of 1900 should be removed?—Yes.

8. You are aware that the workers all over the country have demanded that during the last seven years?—Yes.

9. Are you aware that it has been removed by this Bill?—I do not see that it has been removed. I think, under the present Bill one employer can still refer the case on.

10. The intention of the Bill is that they shall not have that power?—I am very glad to hear that that is the intention; but clause 11 says "any party," and the party is an industrial union, industrial association, or employers, and if the employers were not all members of the employers' association the single employer would still have a chance of carrying a case on to the Court.

11. *The Chairman.*] Have you not made a mistake as to clause 2: clause 2 only provides when the Act shall come into operation?—I mean subsection (2) of clause 5.

12. *Mr. Ell.*] That is only for the purpose of establishing the Industrial Council?—Yes; but then there is section 20: "No industrial union or industrial association shall make any application for the establishment of an Industrial Council, or for leave to appeal to the Court from an award of an Industrial Council, until the proposed application has been approved by the members of the said union or association." There is no provision that will prevent a single employer referring the case on.

13. It means that they must go before the Industrial Council first—that is, what you have been asking for?—Yes.

14. With regard to the compulsory contributions, you oppose that clause?—Yes.

15. You observe, no doubt, that in the clause it is optional or permissive—it is not binding?—I am aware of that.

16. Notwithstanding that fact you oppose it?—Yes. I believe the argument will be used against us in the Court by the Judge or the employers' representative that we never used it and do not want preference. We believe we have a greater chance of getting preference now than in the past, because 60 or 70 per cent. of the unions have already got it. We have a better chance than we should have by what I might call a bastard preference.

17. You have given an amount of emphatic and clear evidence with regard to the intimidation of workers who have tried to secure an award?—Yes.

18. And you argue that the workers' representatives on the Industrial Councils will not be strong enough to resist the power of the employers?—Yes, I fear that the man on the Council, realising that he will have to go back to his employer for his bread and butter, will not be strong enough to argue for reforms which may be said to be visionary, but which when realised have often been found to be very far from visionary, and even advantageous to both employers and employees. In our case, which might be considered a complicated trade, there is no necessity for experts to conduct cases in Court. The only matters to be considered are the hours of labour and the holidays. It does not need any skilled person to say whether we should work more than six days out of the seven, and a man outside of our trade will have a better grasp of the position than any man we could get out of the kitchen and put on an Industrial Council.

19. *Mr. Barber.*] Cluase 21 of the Bill was the only one you approved of?—With amendments, we approve of it. We say the Act should make it mandatory. There are other clauses we approve of. We believe the clause giving Magistrates power to enforce awards is greatly in our favour, but we think assessors should sit with them. We approve of this even without assessors.

20. You have only dealt with the clauses that you object to?—That is so.

21. And the other clauses, I presume, you have no objection to?—I only referred to those which vitally touch my union. I am giving evidence on behalf of my union, as well as on behalf of the Parliamentary Committee of the Wellington Trades and Labour Council.

22. Does your union oppose the Bill as a whole?—My union opposes those portions of the Bill which are covered by the manifesto of the Wellington Trades and Labour Council, and authorised me to come here and give evidence.

23. That manifesto practically condemns the whole Bill?—Yes.

24. I understand the position of Mr. Godber, but how is it that Mr. Carroll's establishment was not embodied in the award you spoke of?—For this reason, that the Chairman of the Board made a technical error and put Mrs. Carroll and not Mr. Carroll in it. Through that Mr. Carroll can compete unfairly against other men in the trade through paying perhaps £20 a week less in wages.

25. I do not quite understand why the workers under your agreement work thirteen hours a week more than are worked in any other town in the colony?—Because the workers in other places to which I have referred are covered by the Shops and Offices Act. I found when I went to Christchurch that all the men in the restaurants—even in the kitchens—were working fifty-two hours a week. The employers here, although they found reason to complain of the agreement, have not complained about the clause which provides that sixty-five hours shall be a week's work. When we formulated our demands we made them accord with the Shops and Offices Act, and it was the Conciliation Board which overrode the Act.

26. They extended the time by thirteen hours?—Yes. The Minister promised us that a new clause would be put in the Bill which would prevent a recurrence of this, and our union feel aggrieved that it was not done, and want it put in the Bill if possible.

27. *Mr. Poole.*] You deplore the lack of conciliatory spirit on the part of the employers' representatives on these Boards: do you think that feeling is becoming more strained?—I believe that, no matter what proceedings are instituted, the employers—whether we have Industrial Councils or Boards—will spend their money to defeat us. They refuse to confer with us, and tell us that they will fight the matter out in the Court.

28. And the feeling is becoming more strained?—Yes, there is becoming a clear line of demarcation between the employers and the employees.

29. With regard to the Conciliation Boards, have you any suggestion to make as to a tribunal to perform the functions of the present Boards?—I ask that the present Boards be retained, and that their recommendations operate as an award from the minute they are filed and have the full force of an award. If that were done there would be no complaints about the Boards, because the Boards have given from 20 to 30 per cent. better recommendations than the subsequent awards of the Arbitration Court.

30. Have you any remedy to offer for the delays which have taken place in getting decisions, and which have caused so much trouble and unrest in the settlement of cases?—I believe the action of the Government in appointing a permanent Judge of the Arbitration Court was a small attempt in this direction; but you see how futile it was—the cases are piling up still.

31. *The Chairman.*] You complain that the Conciliation Board of Wellington went over the fifty-two hours a week asked by your men, and which are in operation in the various other cities, and fixed the hours at sixty-five per week?—Yes.

32. Of course, that was altogether unexpected by you?—Yes.

33. You say that the fifty-two hours are stipulated for in the Shops and Offices Act?—Yes.

34. You know that there is a subsection which says that the provisions are to be operative subject to an award of the Court?—Yes; but in our case there was no award of the Court. I

believe that provision was put in for the express purpose of allowing a reduction of the hours, but it was never intended by the Legislature that the Court should award longer hours.

35. You are of opinion that subsection (4), which reads that the section shall operate subject to an award of the Court, has been grossly perverted against yourselves?—Yes, it is not an award of the Arbitration Court governing us.

36. Was it referred to the Arbitration Court?—No, both sides accepted the agreement.

37. You are in the position of having to work sixty-five hours a week in consequence of appealing to the Arbitration Court?—Because we have taken advantage of the Act sixty-five hours a week are forced upon us against fifty-two hours in every other centre of the colony. I believe that the Legislature intended that subsequent awards should be brought into conformity with the Acts of Parliament. That is my opinion.

38. You tell us that a number of employers in Wellington have evaded their responsibilities under the recommendations of the Board by transferring their business into a bogus company by putting up a new or extended name or other device which gives a fresh front to the world?—Yes.

39. And in this way they have stood from under?—Yes. In the hotel industry a change of proprietorship occurs oftener than in any other industry, and a mere change of license is sufficient to put these people outside of the provisions of an agreement, because we in our wisdom cited the licensees.

40. Then you are in the position of having to apply pretty well every twelve months to have an award made binding on particular people if the license is changed?—Yes. My union did something which no other union ever did in the colony. We found after the recommendations of the Board had been in existence eight months that there were no fewer than thirty-two people not bound by the agreement. They were fresh licensees. There was "J. Godber and Co." instead of James Godber, and there was "Mr." instead of Mrs. Carroll. We found that the only way to attach the parties to the agreement was to get them to sign the concurrent forms with the agreement. The forms are supplied by the Registrar. Of the thirty-one parties seventeen signed the concurrent forms, leaving fourteen who refused, and we created an original dipute with the fourteen employers. We called a special meeting, and the union spent £10 in incidental expenses just for the sake of binding these fourteen employers. We took the case to the Conciliation Board, and the Board recommended that they be made parties to the agreement; but the fourteen employers are going to the extreme in the matter, and have referred the case to the Arbitration Court, and it is practically *sub judice* now.

41. Are you aware that in the early part of the year, when the slaughtermen's strike occurred, charges were so freely made against so many bodies of workmen that they were not lightly thought of?—I am aware of that.

42. Does administration of that kind deepen respect amongst all bodies?—My answer is this: That the workers in all cases realise that they have to bow to the inevitable, and take whatever benefits they can get from any award until its expiration; but the employers, on the other hand, seem to try all the arts and devices they can think of to defeat any award or agreement which governs them, and they have no shame about it.

43. Do you consider that the Conciliation Boards have ever fulfilled the functions originally designed for them?—I believe the Boards were created to arrange an understanding between the employers and employed without recourse to the Court.

44. And that it was anticipated that the bulk of the disputes would be settled by the Boards?—I believe that was the intention of the framer of the original Act, but we have found this, that it has always been the employer who, because of the money involved, has gone to the Court in the past, and—I am careful in what I am saying—they seemed to recognise that the Board's recommendations would be cut down by the Court.

45. By an appeal?—Yes, and it was the employers who refused to agree with any conciliatory spirit shown on the Board.

46. Have the Boards been less effective since the clause known as the Willis Blot has been in operation?—Yes, less effective.

47. Do you consider that is the cause of so much work accumulating for the Court?—It is, except in one or two cases. All but the first one or two cases have been referred on to the Court.

48. Can you give us any case where an extreme length of time has elapsed from the initiation of proceedings by any union till a final award has been obtained from the Court?—I believe, in the old Cooks and Waiters' dispute the union had to wait over a year from the time of the commencement of the proceedings till the award was given.

49. Can you give any other case?—Even after the Court had heard that case it was four or five months before the award was given. I do not know of any other case of my own knowledge.

50. *Hon. Mr. Millar.*] I think you said there has been a good deal of persecution on the part of the employers?—Yes.

51. Will a continuation of the Conciliation Boards stop that?—So far as our present agreement is concerned the Conciliation Board will not affect it; but if at the expiration we have to go to the Industrial Council we are going to get a bad award, because we shall not be able to get Industrial Councillors to sit on the Council.

52. Do you not think you may be unnecessarily alarmed about that?—I am certain of the intimidation, and I know because of the number of men who are waiting for dead men's shoes, as it were.

53. Have you seen the *Auckland Star* of the 20th of this month—last Friday?—No.

54. It has a small article under the head of "Work and Wages." It says, "*Ironfounders and Iron-moulders.*—The ironfounders and their moulders met last evening, Mr. Masefield in the chair, and amicably agreed upon a basis of settlement of disputes without reference to the Arbitration Court. The opinion was expressed that similar meetings should be held in all trade differences. Mr. Banfield (secretary) represented the men."—My opinion is that the iron founders

and moulders have the key to the position. The slaughtermen met and practically got 18s. or £1 a week rise in their wages, which they would not have got from the Court. The employers, when asked why they allowed it, said it was because the men had the key to the position. I believe that we should have the old weapon left to us when we cannot get reasonable terms—the strike.

55. You want the machinery which provides against strikes so long as it suits you: when it does not suit you would like to throw it over?—I believe the Act was intended by the framer to prevent strikes, but I do not think it was intended to take privileges away from a body of men when they hold the position in their hands. I have seen figures which show that the gross profits are 92 per cent. in the Canterbury Meat Company, and the net profits are 42 per cent. I believe, if the slaughtermen had waited for the Arbitration Court to deal with their case they would have got a rise of 4s. or 5s. in their wages. They adopted another method, which I say they had every right to take, and got a rise of £1 a week.

56. If a union desires to strike it can keep out of the Arbitration Act altogether?—Registration is an old affair. The fact that there was unionism in the colony brought on the strike.

57. How much unionism was there in the colony before the Arbitration Act was passed?—I am not aware.

58. After the strike of 1890 the unions were snuffed out: the only unions left were those of the highly skilled trades?—I believe you if you say so.

59. Was it not the Arbitration Act that created unionism?—I do not think so.

60. Do you think it would be an advantage to unionism if the Arbitration Act were repealed?—No, but I say the Arbitration Act should only go so far, and that when men see that they can get a good price for their labour they should be allowed to use all methods to get it.

61. You are quite aware that the Industrial Council does not bind the union?—No; but I believe this, that where we have the same chance of calling evidence as we have before the Board we have a bigger chance of getting a better award from the Court. With the Council's award the Court will be adamant. It will be very hard to convince the Judge that what the men agree to will not be a fair thing, and the men will agree to anything if they have to go back to their employers to get a living.

62. The union is still there to refuse the whole of the recommendations of the Industrial Councils?—The union has the privilege of sending the case on to the Court, but the union will have a harder task to rebut an agreement than to rebut the recommendations of a Board if dissatisfied.

63. In what way is it different to the Conciliation Board?—It is different in ordinary justice and fairness. The Conciliation Board will give fair recommendations. I believe all the awards of the Conciliation Boards have been unanimous — the employers' representatives as well as the unions' representatives agreeing to them; but I believe there is too much danger of our own members on the Industrial Councils selling the union.

64. You mean to say that you are afraid of your own members selling the union?—Yes, for the reasons stated.

65. You said in your evidence that an individual can carry a case on to the Arbitration Court: is it not any union or association? An individual cannot be the party to a dispute—it must be the union or association?—Clause 20 says that no industrial union or industrial association shall make any application for the establishment of an Industrial Council, or for leave to appeal to the Court from an award of an Industrial Council until the proposed application has been approved by the members of the said union or association, but there will be such a thing as there being no employers' association in an industry and still there will be an employer. There is no provision for an employer not being a member of an association not being able to send a case on.

66. This Bill makes provision for an industrial agreement to cover every person, to meet cases like your own?—I am afraid of legal technicalities cropping up. It just says "industrial agreement."

67. When the Board gives its decision it is an industrial agreement, when the Court gives its award it is called an award?—In Court Mr. Skerrett said that an agreement had to be executed, which, I understand, meant that it had to be signed by all the parties, and we had not had our agreement signed. I am not talking against the clause, but we want it made mandatory. We want the word "shall" instead of "may," so as to be able to avoid any legal quibble.

DAVID MCLAREN examined. (No. 9.)

68. *The Chairman.*] What is your position?—I am secretary of the Wellington Wharf Labourers' Union, secretary of the New Zealand Waterside Workers' Federation, secretary of the Wellington Iron and Brass Moulders' Union, and secretary of the New Zealand Iron and Brass Moulders' Association.

69. Have you seen this Bill?—Yes.

70. Will you please tell us what you think of it?—I think, briefly, as regards the main features of the Bill, that it is destructive of the interests of the workers and trades-unionism in this country. At the same time there are technical clauses in the Bill which I agree with, and which those I represent agree with. First of all, I have been instructed by the Wellington Iron and Brass Moulders' Union to lay before your Committee a resolution that was passed at its last meeting, and to give evidence with reference to the decision of that trade in relation to the Bill. The resolution is as follows: "That this union rejects the proposals contained in the Industrial Conciliation and Arbitration Act Amendment Bill of 1907—(1) For abolishing the Boards and establishing Industrial Councils; (2) for enforcements by Magistrates without addition of assessors; (3) for compulsory contributing to unions; (4) for attachment of wages to pay fines; (5) for interference with internal management of unions; (6) for withdrawal of right to register

under the Trades Union Act; (7) for interference with union funds; and that the officers be instructed to give evidence before the Labour Bills Committee of the House." The Bill was laid before my union, and I, as their secretary, wishing to get the mind of the men engaged in the trade—for I am not a moulder myself—asked them to discuss the matter as it would affect them in their trade. The unanimous expression of opinion was that the Industrial Councils would not be at all workable in the case of the moulding trade. The position I find with respect to this trade is this: that the men are continually floating about from one centre of population to another. A little over two months ago I found the union here in Wellington in this position: There was no president, there was no treasurer, and there was no vice-president. The only remaining officer was myself. Had they depended upon an officer inside the trade the union would have been in a very parlous state. I found that in the case of all the moulding trades-unions in the colony they have each and every one of them selected a man outside the trade to be secretary of their union. Here in Wellington they had good reasons for taking this line of action. It was stated at one meeting of the union here that in one shop the employer went to the length of calling the men together in the shop and lecturing them against belonging to the union at all. There have been conferences held between the representatives of the union and the employers. I, as their secretary, have always counselled them to seek such conferences, but we have been met with the statement, practically at the initiation of the proceedings at such conferences, that the employers were determined to take the matter on to the Arbitration Court. At the last conference we had with the employers here one of the men who was working at the trade made a statement with reference to the rates of wages being paid in some shops, when he was attacked by an employer who was present in this fashion, "Look here, why did you want to leave my employ?" The man said, "I do not understand you. What do you mean?" The employer said, "Why do you want to get out of my shop? Why are you looking for another billet?" The man said, "I do not know what you are driving at. I have a right to look for another billet, I suppose." The employer said, "Why did you apply for the caretakership at the Town Hall?" That employer was using information which he got on a committee of the City Council to intimidate the employee who was representing the interests of his union. Meeting with things like that, of course, does not inspire the unionists to seek to settle matters by conciliation.

71. You were a witness of this?—I was a witness of that, sir. And I would like to add further, in reference to this matter, that I said to this man, "Now, this is a gross wrong done to you, and it is an attack on the union as well. Can I use that?" and he said to me, "Well, Mr. McLaren, you know my position. I have a wife and five little children, and I have tried to build up a home here. If you use this I must go." The other cases that have come under my attention were those where men have made themselves prominent in the union, and who have found that when they were out of work it was most difficult for them to get into work again. In fact, in a number of instances they could not get employment without going to another district. The unions of the moulding trade have been seeking for a considerable time past to raise the minimum standard which the Court has hitherto fixed for them—a minimum standard which I take the liberty of thinking is a disgrace as applied to such a highly skilled trade.

72. What is the minimum?—Nine shillings a day. Sir, I am not surprised at the information tendered by the Minister, that the Moulders' Union at Auckland had effected a settlement in conference with the employers, for the reason that I received a copy of the claims of the Auckland Moulders' Union, and these were considered at the last meeting of our union here. The unanimous conclusion was that there was nothing to settle, that whoever guided them had guided them in such a way that they were making claims which prejudiced all the other moulders in the country, and I would not be in the least surprised if the Auckland Moulders' Union practically have given away what did not belong to them—the interests of the other moulders in New Zealand.

73. This town will be cited against you?—Yes. The association enclosed a copy of the claims after they had filed them. They left no opportunity for us to consult the other unions of the trade in the colony. They put in claims for hours in excess of those that are worked in some of the other centres of the colony. I cannot say anything further about it until I see the full position. I shall be pleased to write to you, sir, in reference to that. The moulding trade in this colony is in a very peculiar position, in this way, that you can get men who understand the workings of the trade, but if you set these men to construct clauses and to define the wants of their trade—well, I tell you, gentlemen, that you might just as well get boys out of the Third Standard in a school. They have invariably asked in Wellington some of the leaders of unionism outside their own trade to assist them in drafting and presenting what they desire. We have found this also: that where men in the trade have made themselves prominent in the union they have in some cases been handled in a way of cajolery and been practically bought, so that they have weakened in the defence of the interests of the general body of the workers, and that is a kind of sweetened intimidation which we have always got to look at. All employers do not proceed in the same way I was asked to plead the union's case before the Arbitration Court before I became secretary, and when I took on the case my private residence was besieged by a number of men coming and pleading with me "for God's sake" not to call them as witnesses in the case. Of course, I did in that case what I do in all cases—I subpœnaed the men who were to be called as witnesses. The union considered the compulsory-contributions clause, and laughed at it, because, as they later expressed their minds one after another, to compel men outside the unions to pay into a union and let it stand at that was to turn the character of trades-unionism into something entirely different to trades-unionism altogether. Owing to the shifting-about of the men who are in the trade it is quite impossible to get in the contributions alone of the members who are in the union, and if we were to get orders to take contributions from the men who remain outside it would simply mean continual appeals to the Magistrates' Courts and making the union nothing more or less than a sort of collecting bureau. With regard to the Waterside Workers' Union,

I laid this Bill before my union, and it indorsed the manifesto that was published by the Parliamentary Committee of the local Trades and Labour Council. I should like to briefly recite the history of the Wellington Wharf Labourers' Union, for the reason that it touches upon one feature of the Bill. Three attempts were made to organize the wharf-men of Wellington from 1890 on to 1899. In every one of those instances they tried to run the union with a secretary from within their own ranks—one that was working at the trade. The attempts were failures. I was in the employ of the Harbour Board, and they asked me to take the position of secretary as a paid secretary. I took up the duties in 1899, and carried them on for five years at a munificent salary of £2 5s. a week, and I smile when I hear people talk about the paid agitator as if he was rolling in wealth.

74. You are a man with a family?—Yes. Sir, we find in connection with the wharf work that very often we can get skilled stevedores and coal-lumpers who will meet the employers in conference, but who are in no wise clever enough for the employers when it comes to the drafting of clauses and putting in form what they desire in the interests of those they represent. We have to meet some of the sharpest business men in this country, and I have very vivid recollections of a conference in which the Secretary of the Wellington Harbour Board said to the representatives of the union, "Well, you say you want so-and-so. We will agree to that in this form," and the men would say "Yes, that is all right," and I would say, "Hold on, that is not all right." Mr. Ferguson's language—clever, astute, and cunning—took away all they were offering so far as the practical effect was concerned. Then we have had this experience in these conferences, that it has been difficult, even when there has been on occasions a special meeting called by notices posted and ballots, to get a good meeting of the union. In that way there has been what I might term a scratch selection of the men who were to act for the union The last conference we had with the employers here will illustrate it: one of the men who was selected to represent the union, when we got into conference with the employers, stood up and opposed the preference clause, opposed it right out until I closed the conference. The man was removed by the union from the position he occupied because of his disloyalty and his misrepresentation of the union's claim. For this reason we have considered that if we had to select men to sit on the Industrial Councils, such as are proposed in this Bill, we might probably find that the men had committed the union to things which the union could not agree with, and which were against the union's interest. My union has taken the view that in certain cases it would be wise, in as prompt a way as possible, to add practical assessors to the present Boards; but it is strongly opposed to any attempt to do away with the permanent element in the Conciliation Boards. I might say, with regard to one clause of the Bill which I have already dealt with—clause 53—that I personally as a trades-union officer do not care whether that is passed or not, because I shall not observe it if it is passed. That is just my position. I could not observe that and be a trades-unionist. Apart from the unions that I am now associated with, I have had a wide experience in connection with other unions as well. I have been associated most intimately with about a dozen unions in this city, and have acted in honorary positions on those unions for a number of years past. In connection with the other unions in the Waterside Workers' Federation, I may say that we have never had an opportunity in conference to discuss this Industrial Council's proposal, and I regret very much—I must make the protest here—that I, as secretary of the Waterside Workers' Federation, have never received a copy of this Bill, and also as secretary of the Wellington Wharf Labourers' Union I never received a copy. I think a little more courtesy should be shown to these labour bodies than is dealt out to them in this respect.

Hon. Mr. Millar: The Government Printer has the list of those to whom copies should be sent, and that list has never been altered.

The Chairman: You are aware that by application to your electoral member in the House you could always get a copy.

Witness: I had to worry several members of the House before I could get a copy. I want to say this, that in connection with the waterside workers only on one or two occasions has the matter of settlement of industrial disputes by men drawn directly from the occupation been referred to by any meeting of our association. It was referred to by one of the members of the Lyttelton Union, and it was not brought forward by any representatives from any union at the conference of the waterside workers held here in Wellington in July of this year. The Lyttelton Union has all along affected settlements with their employers in conference, but that union is very peculiarly situated. From 1890 on to within a very few years ago that union was what I would term a free-labour association. When I got a copy of their rules I found that their committee of management was appointed in this way: Five men were selected by the employers and three by the workers. That was the form of their union. I took a hand in forcing them to register under the present Act. I went from here to Lyttelton and forced their hand by pushing forward another union, and in that way they came to register under the present Act. Since then they have altered their rules and become a union like the other workers' unions in the colony Their whole tendency has been in the direction of taking greater liberty to themselves in the matter of settling disputes, but they have been accustomed all along to settle matters in conference with the employers, for the reason that from 1890 up to a very short time ago they had very little power to do anything else. In addition to that, the Lyttelton stevedores are peculiarly situated in this way, that the supply of labour in that port is limited, and they have not hesitated to put the screw on to the employers even while this Act has been in existence, and on certain jobs to cease work, to effect what they wanted. I could not speak for the whole of the unions in my federation, because the matter is one that ought really to be dealt with in a conference of the federation. The Auckland Waterside Workers' Union, however, has protested very strongly against the main features of this Bill on the same lines as the manifesto which we published here, and on the same lines as the manifestoes of the other Trades and Labour Councils in different parts of the colony. Sir, the

impressions seems to have got abroad that we condemn this Bill without discrimination. That is not so. I desire to present my evidence in two parts, the first dealing with the sections with which we agree, or partly agree, and the second with the parts of the Bill with which we entirely disagree. Part I, section 4: We agree with this to the word "Court" in the second line of subsection (1).

75. That wipes out the Willis Blot?—Yes, that is the point Mr. Ell touched on. We agree down to the second line, but we object to the appellate and other jurisdiction. We also agree with subclause (2) of that section 4—that is merely technical. In our union we think that all disputes should be taken before the Conciliation Board in the first instance, as the first step towards the settlement of a dispute should be those of independent inquiry. I want to say here that I entirely dispute the allegation that the Conciliation Boards have been a failure. It will be found, and examination will prove, that the awards given by the Arbitration Court in a large measure follow the lines of the recommendations of the Board, and, further than that, I think it can be demonstrated that fully 60 per cent. of the matter of the dipute is settled by the Boards even when it goes on to the Arbitration Court. Here in Wellington the main attack on the Conciliation Boards has not been an attack on the Board at all, but an attack on one person. We want to meet the position fair and square. It has been an attack on one of the members of the Board. The argument has been used against a member of the Wellington Board that he is not independent and cannot be expected to carry out a just inquiry in certain cases.

76. Is he a workers' representative?—Yes, he is a workers' representative, and he is therefore largely misrepresented by the Press. Our contention is that if any member of the Board is not free to make an independent investigation he should be debarred from acting and an independent investigator should be placed in his stead; but the system should not be condemned for the actions of any one individual. When adverse criticism was levelled at the Arbitration Court some time ago and directed against the *personnel* of that body, the course that the Government took was to strengthen the *personnel* of the Court and to strengthen the position of the Court as a whole. That, we submit, is the line the Government should take towards effecting something in the nature of true conciliation by making provision for the means of true conciliation. I want also to point out this, which is a matter of vital importance to the Boards. When these Boards were first instituted some of them made the mistake of regarding themselves purely as Courts of law, and their functions were misapplied by this conception of their duties. That caused some trouble, but within the last two years there has been a change—a change for the better—in this, that the Boards direct their energies more now in the way of investigation and of conferring with the parties to the dispute. It is a mistake to suppose the workers have no confidence in the Boards—a mistake that is demonstrated as a mistake by the fact that the much-abused Wellington Board has been sitting constantly considering case after case that has been sent to it here.

77. With much success?—Undoubtedly with much success, for even where the Board has not been able to bring the parties to a full understanding and the matter has gone on to the Court, the Board has effected a large amount of the settlement which has finally taken effect. There has, however, been a disposition to treat the Boards lightly, for this reason, that since the inception of the Act up till now the Boards have never been placed in as strong a position as they should occupy; in other words, the element of conciliation has never been given a fair trial. The Willis Blot which has been referred to gave any party the power to take the case on to the Court. That simply meant that even when the unions of workers have been disposed to try conciliation they knew and have had it stated to them plainly that the employers might go through the form of proceedings before the Conciliation Board, but would afterwards go to the Court. That being so, it has induced some of the workers' unions to say, "Well, under these circumstances"—mind, under these circumstances only—"we cannot see the use of wasting our time and money on the Board." In that way some of the unions have been disposed to let the matter go on to the Court also. But I am glad to see that this Bill is directed in some measure towards rectifying that error, and I think if the error was rectified of allowing either party to take the matter right on to the Court, and if the Boards' position was strengthened by requiring that they should follow a certain line of procedure, that could be dealt with in regulations, so that individuals who were wrongly placed could not discredit the whole system by taking wrong lines—if that was done, and also the procedure for adding practical assessors simplified, then I believe we should have in the Conciliation Boards bodies which would in a large measure carry out what was in the mind of the original framer of the Act, the Hon. Mr. Reeves, when he estimated that 75 per cent. of the cases would be settled by means of conciliation. Section 21: We agree with that, but think its provisions shold be extended to cover recommendations of the Conciliation Boards. The Minister seemed to think that that covered the recommendations as it stands now, but the recommendations of the Board only take effect as an agreement when consented to by the parties, and we think the Boards should be strengthened and the recommendations should have the same force in law as an award of the Arbitration Court at the present time. Sections 22 and 23: We agree with these, provided there is added—this is the form in which we want assessors to sit with Magistrates—"that on the application of either party assessors may be appointed to sit with the Magistrate." Our reason for asking for assessors to sit with the Magistrate is this: Whilst we consider it would be safe in some instances to allow Magistrates full power of settlement, in other cases we are not satisfied that it would be quite as safe. Therefore we think a provision should be put in allowing the parties to ask for assessors. Very often, in question of breaches, the matter is of such a nature that the Arbitration Court itself has a difficulty in getting at the point. I had one case on behalf of a Wellington union recently, and it spun on for twelve months and over. The Court considered it two or three times, and seemed to be very much in doubt as to what the position was.

78. Is that a question of interpretation?—It was an application for enforcement of an award, but it hung upon the interpretation in a way that a man only who understood the calling could

thoroughly grasp the position. We do not ask that assessors shall sit in all cases with the Magistrates, but we think there should be the right to make an application in cases where it is necessary to add assessors. I want to say this, that the Government has in reference to the provision for the enforcement of awards by the Magistrates taken the advice tendered by the trades conferences year after year, and I believe it will work out in relieving the congestion in the Court very much. The great delays have been due to cases of enforcement piling up wholesale, and what has irritated the workers' unions has been this, that, when these cases for enforcement have been hung up, very often when the time has come round for them to be heard the witnesses upon whose evidence the cases depended were not to be found.

79. The delay destroyed the evidence?—Yes. Two of my witnesses in a case were in San Francisco when the case came on. That has been a cause of irritation in the ranks of the workers, and I believe this provision will relieve it very much. Sections 24 and 25 we agree with, with the £10 reduced to £5. We consider that £5 would be fairer in proportion to the £100 than the £10. Section 26 we agree with, if the word "party" is substituted for person in the second line, and the words "or to any other person" are deleted. We think the fine should be given to a party and not to the individual.

80. *Hon. Mr. Millar.*] The Inspector of Awards would be a person. You would require to use the words "person or party." That would cover a union?—The Inspector of Awards is a party when he makes application. He is the party applying.

81. He might apply himself?—Our objection is not to the Inspector of Awards. Section 31 is technical with respect to costs. We agree with that. Sections 34, 35, and 36 we agree with. Section 37 we agree with, provided the references to Industrial Councils are deleted, and the words "as a civil debt" are added at the end of the section. Section 39: We agree with that, provided all the words after the word "convened" in subsection (1) are deleted, and these words inserted in lieu thereof—"in accordance with the rules of said union or association." Section 40 extends the definition of the word "worker." That is entirely in the right direction, and meets the position of such an organization as the Marine Officers' Guild. Sections 41, 42, and 43 we agree with. Section 44: This section we would agree with were the subclause (*a*) deleted. We object to the advertising of these meetings in the papers. It means placing us in an invidious position, and we have to look at the matter fairly and squarely, that when a conflict exists between the workers' organization and the employers, the employers can do so much in secrecy and have everything ready to attack us. Therefore we certainly object to shout out our whole business from the housetops, so to speak. It is purely a matter of business with us, and we think we ought to have the same liberty of managing our own business on something like sensible business lines as the employers have. With regard to a further portion of this section, whilst we would agree to it in substitution for the ballot system, we want to say this, that we are doubtful about it being effective in practice. Our experience of proxy voting is not very satisfactory. Often for meetings business is manufactured, and that is not a desirable thing. Business is manufactured by the people who do not take the trouble to come to the meetings of the unions and discuss the matters, and we would rather every time that our members came to the meetings and discussed and understood what they were doing.

82. But you know there are unions with branches all over the place, the members of which could not possibly attend meetings?—That is so; but I would like to suggest this, that probably it would be wise to reconsider this portion, for this reason, that one effect of the proxy system we find is that it induces men to stay away from the meetings, and that this has an evil effect, that men who have personal grievances against the employers chew them over and turn them over in their minds until they appear to be very, very large, and they often push the officers into stirring up conflicts on matters which could easily be settled if discussed in meetings of full membership of the union. The effect in some cases will undoubtedly be to keep men away from the union meetings when it is most important that they should be present. That is the point, and that may accentuate what is undesirable, that claims should be pressed forward by men who have never really considered them. Now, we want all our claims properly considered and to take the rational line of meeting our members, and the employers fairly and squarely when they show any spirit of conciliation. Section 46 we agree with—that has reference to the ages of young persons—with the provision that the parent or guardian, where they have not the certificate of birth, can give a sworn affidavit of the age—something that they can come back upon.

83. The Labour Deparment gets a declaration if the certificate is not produced?—Yes. Section 48: We ask that all the words after the word "award," in the second line, be struck out, and the words "or agreement," added. That would make it a true copy of the award or agreement. I know from my own practical knowledge that the employers in certain cases have put up in prominent positions what purported to be a copy of the award, when it was only a portion of the award which benefited themselves

84. *The Chairman.*] They put up incomplete copies?—Yes. We want a true copy of the award. Section 49: Our objection to this is that the unions concerned in this have not fully considered the position. They came to the conclusion that the age should be twenty-five. That is the recommendation of the last trades conference. I personally do not feel qualified to deal with this question of apprenticeship, because it is really a debatable matter; but the carpenters' unions and other unions consider the apprenticeship age should be to twenty-five years.

85. *Hon. Mr. Millar.*] Complaints have come from the other direction: they have been binding them up to twenty-six years, and paying them under-wages?—The whole thing bristles with difficulties, but I have not an intimate knowledge of the matter, and would prefer that those who have should give evidence upon it. That finishes the clauses my union approves of.

FRIDAY, 27TH SEPTEMBER, 1907.

THOMAS HENRY WHITE examined. (No. 10.)

1. *The Chairman.*] What is your position?—I am manager of the Kauri Timber Company, Auckland Branch, President of the Sawmillers' Association, and also of the Shipowners' Federation.

2. Have you seen this Bill—the Industrial Conciliation and Arbitration Act Amendment Bill?—Yes.

3. Will you please tell us what you think of it?—Well, the whole measure has my undivided support.

4. The entire Bill?—With regard to clause 5, subsection (3), the Industrial Councils portion of the Bill, personally I would have preferred to have done without this altogether, and if we could not settle our difference by conference, go straight to arbitration; but from the utterances of the Minister I see that he is determined to give it a trial. Well, my opinion is that if a Council of this kind is established, the least number of members there are the better. I would be inclined to say that, if possible, there should be one on each side, with an impartial chairman, and certainly not a paid permanent Chairman. I might say that we have in Auckland one of the largest labour unions in the colony. They tell me there are 1,800 members connected with the sawmills, and we settled—that is, myself and two other employers and three of our own workmen—the differences between us by conference. There were three practical men on each side.

5. Three representative men?—Yes. When I was in Wellington some seven or eight years ago, Mr. Seddon sent for me and asked me what I thought of conciliation and arbitration, and that sort of thing, and I replied that we would have gone on much better if we had not to go before the Conciliation Board. At that time we had a Conciliation Board with two men on each side and a Chairman, and a great deal of time was wasted. I told him also that I thought it would be better if these men were paid by the case instead of by the day, but that personally I would rather go straight to arbitration. With regard to section (12) of clause 5, I should say the Chairman should not be a permanent, paid man, and that the Governor should not have power to appoint any person who has been rejected by the workers or the employers' representatives. I have been told that in Wellington some of the employers are in favour of the present system; but I think the Chairman should be appointed by the people who know something about the business. In connection with the sawmillers, we might get a man as Chairman who had, perhaps, been connected with or was a worker in the sawmills. I think it would destroy the thing entirely if a paid permanent Chairman were appointed. Speaking on behalf of the Sawmillers' Union and the Shipowners' Association, I may say that I have been told that the Federation think differently here. With regard to section (2), clause 6, the award to be made within one month, I think that period might be shortened. Clause 47: I think this is fair enough, that those who do not join a union should certainly be compelled to contribute towards the union which helped to improve their condition; but very great care should be taken in the amount of contribution levied. At present, in consequence of the labour laws, unions do not want a fighting fund, and I should say they should only ask for sufficient to cover secretarial and clerical expenses. It comes very hard on a man—I know from my own experience when I was a worker—to have to contribute to too many societies. Of course, the charge of the majority of the unions does not exceed, I understand, 6d. per week, but the Amalgamated Society of Carpenters and Joiners, the head of whose unity is in England, charges 1s. per week. I know workmen, steady fellows too, who contribute to a friendly society, say, 1s. 3d. per week, to the accident society in the works 6d. per week, a little towards a life insurance, and some also have a mortgage on their homes, so by saddling a man with too much of this kind of thing you simply cripple him, even although his wages may be fairly good. Therefore, I think, something should be put in the Bill to prevent unions claiming any more than a fair thing. I might mention that I have just finished fixing matters up with the Timber-workers' Union. I am very pleased to be able to say that for the last six years we have settled matters without going near the Court, simply by an industrial agreement. The sawmill-workers at the present time, so the secretary tells me, have 1,800 members, who contribute 1s. per month, which is £90 a month in the aggregate, and at the same time they do not want the money so much as they used to do. I should say that at the outside the contribution per man should not be more than 3d. per week—that is, if it is made compulsory that every one should pay. I have laid great stress upon the fact that we have settled our business without going to the Court. There are over three thousand men employed in the timber business in Auckland Provincial District, and we did the whole of the business in eight hours without recourse to arbitration or to any one outside. I think the gem of the whole concern is clause 53, and I feel satisfied that if that clause had been in the Act of 1904 the Arbitration Act would never have become so unpopular. When I saw Mr. Seddon in Wellington this is a matter which I told him about. I said that no men should be allowed to appear in the Court as advocates without belonging to the particular industry likely to be affected by the decision to be given. I pointed out that the employers were not allowed to be represented by solicitors, and, therefore, why should these workers' representatives be allowed to conduct the cases? He said they were not like solicitors, but I said they were paid men. The argument has been used that unless the unions employ these outsiders men from their own ranks would become marked, but that sort of thing is past and gone, and no man becomes marked nowadays. Many of the shining lights amongst the workers belong to the unions. I think that is altogether a bogus cry, myself. The Sawmillers' Union is one of the strongest unions in the colony, and I think it is perhaps as difficult to settle matters in that industry as in any other, and that is because there are so many different machines and plants used. It is almost impossible for the Arbitration Court to give a decision in this industry. Take a deal frame, for instance, one will cut 3,000 ft. and another 10,000 ft. a day, and yet they put them both on

the same footing. We allowed the men to fix the wages on the small machines, and they gave every satisfaction. I might say that we settled our business in conference three years ago for the full term, and when the agreement ran out this year we were approached by the union and had a conference, and in eight hours we fixed the whole thing up. We settled the form of preference so that it did not affect boys under eighteen years of age. I do not think you should have youths of under eighteen years of age as members of a union. Mr. Millar has put it down at seventeen years, and that is better than having children in the union. Our agreement is so fixed up that the union does not interfere with our foremen in any way. We look upon the foremen as members of our staff, and we thought it was really a bit of cheek for the men to interfere with us in that respect. The union members saw that and did not interfere with any of our departments. I know that clause 53 of the Bill will be objected to by the employees' agitators, but I think we should get on better without that kind of people. We should deal direct with our own men, and that is why I said I would rather go on to the Court if the matter cannot be settled in conference with the men. I do not know that there is any more I need say unless through questions put to me. I support the whole Bill, and think it is an honest attempt to deal with a difficult matter.

6 *Mr. Arnold.*] How many hands do you employ yourself?—In our mill in Auckland under my immediate control, three hundred.

7. Have they a separate union from the one which covers the whole industry?—No, it is one union. There are 1,800 financial members in the union, I understand.

8. You have had more than one conference with your men?—Yes, this is the second.

9. The first agreement covered two years?—Three years. It ran out on the 1st August of this year.

10. And you say your men approached you and asked if you were willing to have another conference?—Yes.

11. And that came from the men themselves?—Yes.

12. So it is quite evident that, so far as your own men are concerned, they are in favour of conciliation in that way?—The men in the first instance, sent in a statement and threatened to cite us, and that sort of thing, which we knew did not amount to much. We said we could not agree to it, and they asked for a conference, and the matter was settled. The whole business took eight hours.

13. What is to prevent people engaged in other industries settling their disputes in the same way under the present Act?—Nothing.

14. Then, if there be not the feeling you spoke of, how is it in your opinion that there are so few disputes settled in that way?—I could not say. Take, for instance, the carpenters and joiners—we were asked to meet them in the Court. That is because there are so many different kinds of employees. The sawmillers met them all together, as it were.

15. There are very few cases in which the disputes are settled by conference between the two parties?—I think one of the reasons is on account of the paid men engaged. I think if this Bill becomes law it will do away with these men who are not in the trade holding positions in unions.

16. Do you know it is a fact that under the original Act a conference had to be held before a case could go before the Conciliation Board?—But it is never so.

17. You do not mean to say conferences were not held?—In my case it was not so. We were trotted before the Conciliation Board.

18. Do you know that in Auckland conferences were held and that they failed to come to an agreement?—I believe so, and I believe the reason was due to these people appearing who were not connected with the trade. I know it was so in the furniture trade.

19. You think the chief reason for the parties not coming together is because of outside influence?—I do, sir.

20. You say that you prefer that the case should go straight to the Court of Arbitration, but you yourself preferred an agreement between the two parties: you believe in conciliation?—I do, and if you cannot do it by a conference, then I say, Go to the Court. But I would not use that as an argument. I would rather accept the Bill as it is than throw it out. I mean that if I had the framing of the Bill I would put that out of it and go straight to the Court, but I think it would be a pity to throw it out now, because the Bill is a good one.

21. You recognise that people outside the industry in these cases are employed by both parties?—In this city they are, but not in Auckland. I understand that one gentleman travels round a good deal for the purpose, and has made a profession of it.

22. He has been in Auckland?—I believe he was there once, but I would not give him a case of mine.

23. But he has been there?—Yes; that is because the employers did not want the trouble of working up the case; but I have no use for these men at all.

24. Not on either side?—No.

25. You say that men who are prominent in unions are not marked men now?—No, the day has gone past for that in this country.

26. How do you explain the fact that there are so few people occupying the position of secretary of a union who are employees in their own trade?—Because, generally, these men have organized the unions. For instance, a man goes round amongst the oyster-pickers and forms a union.

27. Are you acquainted with your own workers' union secretary?—Yes.

28. Has he been acting as secretary for long?—I think about two years. The man who was secretary before him gave it up, and as soon as he gave it up I was very glad to employ him, as he was a very good man.

29. Why did he give it up—did he have to?—No. The secretary gets £3 a week.

30. Would you be surprised to hear that secretaries and presidents of workers' unions do not occupy these offices for any lengthened period if they are employed in the trade?—Yes, I should be surprised to hear it. The man who is president of the Auckland Branch of the Sawmillers' union is named McGregor, and he is second man to my boss orderman. He has been president ever since the union was formed.

31. Do you know anything about the other unions, such as the bootmakers', moulders', and tailoresses'?—In our employ we have not any moulders, but we have engine-drivers, carpenters, and joiners, and others who have separate unions.

32. Do the officers of those unions remain for any lengthened period in their employment while they occupy their positions?—The secretary of the Amalgamated Carpenters and Joiners could not work, because the men employ him as secretary, but if he left to-morrow he would be able to get employment at once. People do not think the worse of him because he holds a position in a union. I think that is an exploded idea. The unions are too strong to do anything of that kind nowadays, and a good man will never be blamed for trying to hold up his end of the stick. You would have to sack every second man, otherwise.

33. Why?—If you had to pick these men out of the unions.

34. Suppose you sacked three men and the remainder refused to accept the position, you know they cannot go out on strike?—I do not think there is any fear of a man being discharged because he is a member of the union. I know there was a time when that feeling did exist.

35. You think it does not exist amongst the workers now?—Oh, no, the workers have no fear. Many of them are only too proud to tell you that they are members of the union. We have given them preference.

36. You are an exception?—Ours is the biggest union in the North Island.

37. Now, with regard to the contributions to the funds of the union: has the union requested that a clause should be placed in the Bill limiting them?—No.

38. You do not give evidence on behalf of the workers?—No. In connection with that, our union, at 3d. per week per member, would have something like £90 a month, and the union will become bigger.

39. But in the case of very small unions having only twenty or twenty-five members might it not be necessary to have even as much as 1s. a week per member to enable them to pay the various expenses?—No, because if they only had twenty or twenty-five members there should really be no work to be done.

40. A dispute in the Arbitration Court would require a large sum?—Well, they would then issue a levy.

41. You would permit them to levy?—Yes, but the Arbitration Court expenses do not amount to very much.

42. But a union might require a number of witnesses and the cost might be large through having to send them back into the country. Are you aware that in a case where the Court grants a preference clause it is provided that there shall be a weekly subscription and an entrance fee?—The rules for the union provide for that.

43. You know that the Court also has power to do that?—I never heard of the Court doing it.

44. However, so far as you as an employer are concerned, there is no real reason why you should interfere with the subscriptions paid by the men?—No, only that I have friends who are workers.

45. You say that the union rules provide for that, and therefore the members should be the best judges, should they not?—Yes.

46. *Mr. Bollard.*] Within the last few years have you ever known of a man who belonged to a union, and was a good workman and did his work well for any length of time, who lost his employment because he was a member of that union?—Never.

47. Not even after he was a bit of an agitator?—Never. Besides, we were all members of a union in our young days. I came here myself as a member of the Amalgamated Carpenters and Joiners' Society.

48. *Mr. Ell.*] You said you would settle disputes by conciliation, and that the failure of conciliation is due to outside influence?—That is my opinion.

49. From which source?—From the workers, of course.

50. What reason have you for making that statement, that outside influence operating on the workers is the cause of disputes not being settled amicably?—Take, for instance, the case of the furniture trade in Auckland. Some time ago, after the decision was given, the employers shut the doors and said they could not settle the case because the man who represented the union was not a member of the trade.

51. That was the reason they assigned—the conference failed because the masters refused to meet a representative of the men themselves?—Yes.

52. Have you ever heard of any case at all where the employers have refused to meet the men in conference?—Never. Within the last few days the ironmoulders in Auckland—Mr. Masefield's people—met their employers in conference and settled their business without any trouble.

53. *Mr. Hardy.*] Have you ever known any coercion on the part of employers against the employees on account of the latter being members of a union?—No, it would be impossible, because they are all members of unions now, pretty well.

54. That is, the workers are nearly all members?—Yes. I speak to a unionist as I would to one of our people.

55. You were a unionist once yourself, you say?—Yes, when a young man I came here from San Francisco as a member of the Amalgamated Carpenters' Society.

56. You liked unionism then?—No, I cannot say that I did. One reason for that is this: that the qualifications in America are considerable, and when I came here I found that any one

could join the union, and the consequence was that many who joined were not worth the standard wages fixed by the society.

57. You would approve of unionism if run on good lines?—Yes.

58. If run on good lines you think that unionism would help both the men and the employers?—Yes, that is my honest opinion.

59. There is nothing in unionism to prevent employers and employees working together amicably?—No.

60. Do you think unionism in this Dominion is run on good lines?—In our own business it is run on good lines.

61. Have you heard of any friction in the Dominion?—No.

62. Do you read the newspapers?—Yes.

63. Have you read about friction on the part of employers and employees?—When the awards are expiring there is generally another attempt made to get an increase in wages.

64. You would not object to men binding themselves together for a rise providing it was reasonable?—No, the only thing is that since we have had the Conciliation Boards and the Arbitration Court there seems to be no finality. Every time the term of an award is up the men go for a rise. Personally, I have no objection to men being unionists. I would rather have unionists because I have some control over them, and if I have any trouble with a man I can report him to the union.

65. Consequently you think that unionism may be the means of doing a great deal of good?—It will do no harm unless people get into the unions to stir up strife.

66. Then it is only the mischief-makers that you object to?—Yes.

67. *The Chairman.*] Has your company had any litigation in connection with the Arbitration Act at all?—Yes. At first we had so many trades connected with our business that I was always arbitrating.

68. Have you had any difficulty with the men in your employment through one man belonging to the sawmillers' union, and others belonging to the engine-drivers' and carpenters and joiners' unions, and therefore having to deal with a number of bodies?—Not so much now. The award provides for the engine-drivers, blacksmiths, and engineers in the sawmills. The joiners are a separate body.

69. Then the interests of most of the employees have been so fused together that you can get an award to cover them?—Yes. It is really a triangular duel when we go before the Court between the factory-owners, the builders, and the workers.

70. You say you object to the permanent Chairman in the proposed Industrial Council?—I do, sir. I think that will make matters ten times worse than they are at present.

71. Do you think, considering the continual disputes that are taking place, it would be possible for these Industrial Councils to find men reasonably versed in the businesses whom they could secure as Chairman?—I think so.

72. Do you think that would be the case in a number of small organizations?—I think so.

73. And you object to the Chairman being paid?—I would pay him for the case that he deals with only.

74. You think there should be a set fee paid for each particular case?—Yes.

75. And the next case might be a totally different branch of industry and his services would not be required?—Exactly so.

76. You spoke of the contributions which the Bill allows to be collected from workers who are not connected with the union, and say they should be limited?—Yes.

77. You are aware that in many cases heavy fines can be inflicted?—Yes.

78. How could they be met from small contributions? Take a small union where a heavy fine has been inflicted on it—would it not be necessary to strike a levy?—Yes, and the rules provide for that.

79. You also spoke of an objection to unions which you entertained in years past because of their somewhat indiscriminate admission of members?—That is in connection with a trade like the Amalgamated Society of Carpenters and Joiners—a skilled trade.

80. Do I understand that the unions were more anxious to enlist members than to see whether their men were qualified or not?—Yes, in Auckland they were. In the Amalgamated Society of Carpenters and Joiners men came into it who, I should think, were not worth 10s. a day.

81. Was there any method of ascertaining whether a man was qualified or not?—There was in California but not here. In California they had a committee to inquire about a man before he was elected, and if he was found to be working for less than the standard rate he would not be elected a member.

82. You did not find that to be the practice in New Zealand?—No, but I think the rules were the same. The Amalgamated Society's rules are the same all over the world.

83. But they were not carried out here?—No. One of the reasons I left the society was because I became foreman, but my principal reason was that in the building of a hospital in Auckland three members of the society were working for the contractor who paid them 9s. a day. They complained, and some of the society members said they would take the matter to Court, and I said the men were not worth more. The case was taken to the Court, and lost. I then left the union.

84. That was before the days of the Arbitration Act?—Yes, that is thirty years ago, perhaps.

85. Would any advantage come from a system of grading the men?—Yes, I think so. They have to be graded now. There is a clause providing for incompetent and unskilled workmen.

86. That is done by the Court?—By the Court and by the industrial agreements too. There is always a class of men who are physically incapable and unable to earn as much as other men.

87. You regard that as differentiation according to a man's abilities?—Yes, every man has to get his living, and some men are not so good as others.

88. In the past, before the Arbitration Act was passed and you were dealing with a large body of men in the sawmilling trade, did you find any difficulty because they were a loose body not connected in any way with each other?—No. I have never had any disputes with any of them.

89. Do you regard it as an advantage when there is any dissatisfaction amongst the men that you can deal straight with their officers in their representative capacity instead of having to argue the matter with every man?—Yes, that is an advantage, provided the officer is a member of the particular trade.

90. You have had no experience otherwise?—Yes, I had with one, who was secretary of the Carters' Union.

91. Was he a carter himself?—No. I never cared to talk to him about carts or horses. I would rather one of the carters themselves came to me.

92. You have made reference to paid agitators on both sides?—Yes, but I think that is rather a hard term to use.

93. Well, say "paid representatives": have you known cases where men are making money by adopting this work as a profession?—Yes, there is one man in Auckland who is secretary of half a dozen unions.

94. Has his wordly position improved since he has been a professional secretary?—I think so; at any rate he looks better.

95. You have no idea of the salaries paid to him?—No, but I have heard that he is making £7 or £8 a week. That is not evidence, of course, but I think he must be doing very well out of it.

96. You mean to say that you are really not well enough informed to know whether it is a profitable occupation?—I could not say that of my own knowledge, but the man I referred to seemed to be doing particularly well.

97. But is it not a matter of fact that men who are continually about the streets interviewing the employers would use a better suit than if they were working at their trade?—Yes, that is so of course. I do not like to be personal in connection with any of these gentlemen.

98. With regard to your knowledge of a certain man earning £7 a week, have you any grounds for stating that?—No, I could no say of my own knowledge; I simply heard that.

99. *Mr. Bollard.*] You know a number of people who are representatives of the workers?—Yes.

100. Before they became representatives and received salaries were they a success in the particular trades in which they were employed?—Well, I guess not. At any rate one or two that are in my mind were not.

101. You find that it is not the best workmen who go in for these secretaryships?—Well, the secretary of the sawmillers is one of the best men in the trade, and so was the secretary before him, but I think as a rule they are not.

GEORGE HENRY LIGHTFOOT examined. (No. 11.)

102. *The Chairman.* Where do you reside?—In Wellington.

103. What are you?—Secretary of the Amalgamated Carpenters' Union, and also a member of the Parliamentary Committee of the Trades and Labour Council.

104. Have you seen a copy of the Industrial Conciliation and Arbitration Act Amendment Bill?—Yes.

105. Will you please tell us what you think of it?—My views mainly are embodied in the manifesto that was published by the Parliamentary Committee of the Trades and Labour Council.

106. You approve of that manifesto?—Yes.

107. Will you hand in a copy of it?—Yes. [Copy of manifesto put in.] I also wish to say that I agree with the evidence given here by other members of the Parliamentary Committee, and I wish to add to it slightly in reference to clauses 49, 50, and 51. Clause 49: The Bill seems to wish to limit the age of apprentices to twenty-one years. We think that should be extended to twenty-five years, and our principal reason is this: Take my own trade, for instance. A lad who possibly went to a secondary school might not leave until he was seventeen or eighteen years old, which would not give him time to complete his term of apprenticeship as laid down by the award. We think twenty-five years would be a very fair limit. Clause 50: Applications for permits to be made to Inspector of Factories. We think, while that might possibly answer very well in big centres, it would fail most horribly in country districts. The ground of our objection is this: that in country districts the Inspector of Factories and Awards is very frequently a police officer, and we do not consider a police officer is a competent person to deal with applications for permits. We would much prefer them to be dealt with as at present—by the Chairman of the Conciliation Board, or by the Stipendiary Magistrates in the larger centres if the Conciliation Boards were done away with. We quite concur in the Chairman of the Conciliation Board dealing with permits so long as he remains in such a position. We should like also a provision to be made for permits to lapse at the expiry of the time for which they are granted without notice having to be given by the secretary of the union. As the law stands at present, a man who has a permit can work under that permit until he gets notice from the secretary of the union that the term for which it has been granted has expired. A permit is issued for six months, but if the holder does not get notice from the secretary of the union he can work under that permit for ever if he is so minded. We do not mind that in the case of old men, but with improvers who have been granted permits we do not think it is right that they should evade the minimum-wage clauses of the several awards by holding these permits after they have really expired.

108. Is there any practice of the permit which has been issued for six months being forgotten, or is its existence ignored, and the young fellow going on steadily at the same rate?—Yes, that has been done on several occasions. I have found a few of them and stopped them, but it is impossible to find them all, for the reason that when I send a notice to the residence of the holder of the permit that notice is often returned to me through the Dead Letter Office.

109. The holder has disappeared, taking the permit with him?—Yes, these young fellows are continually changing their addresses, and there is no address at which they can be found after the six months have expired. I can give you instances where the Chairman of a Conciliation Board granted four permits some time before June of 1896, and neglected to get the addresses of the holders of any of them.

110. They were handed individually to the applicants, and no note taken of their addresses?—Yes. I found two of them and gave them notice that their permits had expired.

111. You do not think it was intentional on the part of the Chairman?—No, but it showed very great negligence on the Chairman's part.

112. You think it would be desirable to have some provision made to meet the case you refer to?—Yes, the same as in the case of dog licenses. It is not necessary to have a notice sent that a dog license has expired, and if it is it is generally accompanied by a summons. Clause 51 (1): "When an industrial union is a branch of or is affiliated with any society of which the central management or control takes place outside New Zealand, such industrial union shall at all times retain in New Zealand and under its own control at least three-fourths of its assets." The Hon. Mr. Millar told a deputation that that had been inserted at the request of the marine engineers. It has never come from my society, because it is not affected. Under our rules we do not remit, as some people think, the whole of our funds to headquarters, which are situated in Manchester, every year. Every branch holds what money is required for internal purposes, and if any other branch in the country requires funds the branch with funds at its disposal is requested by the executive or district council to remit moneys to the branch which is in need of them, so that the funds of each branch are the funds of the whole society.

113. By the rules of your society?—Yes.

114. So that if a request is made for funds from another place you are bound to comply with it?—Yes. Our funds are the property of our whole society, and that is the cause of the strength of our union. We have branches in nearly all English-speaking countries, and my society has never failed to meet a legal liability.

115. That is to say, you have had requests sent to you and you have complied with them?—Yes, and apart from that the funds of the whole society would be available to be drawn out. It has a duty to pay its just debts, whether it be a claim from a member or from outside.

116. Is there any other clause you would like to call attention to?—I do not think so. The other clauses have been very fairly dealt with by the other members of the Parliamentary Committee. I might say that possibly a General Councillor for Australasia would like to give evidence on this particular clause later on if the Committee would allow him to do so, and also the district secretary.

117. You think this clause might affect the marine engineers and the seamen?—It was the marine engineers who asked for it, but if they wish the funds to go to themselves they can alter their rules to suit themselves. It would place my society in a very serious position indeed.

118. You object to its application to your society, and think it would act detrimentally to the seamen and Amalgamated Society of Engineers?—Yes.

119. But it would not materially affect the mass of the unions outside the three you have named?—Not practically, because other unions outside those I have mentioned are practically local affairs.

120. *Mr. Barber.*] You say that you keep your money here unless there is a demand made for it?—Yes.

121. And that demand would only occur in the case of a strike?—No.

122. What necessitates the money going out of the colony?—It is merely when any branch gets low in funds. My society is not only a trade union, but it is a benefit society as well. We give superannuation benefits, sick benefits, unemplyoed benefits, and so on. We also pay travelling-expenses when work is found for men when they go away from home.

123. You also pay expenses when a man's tools are destroyed?—Yes, and also give accident benefits. If any branch is in need of funds it can call on any branch that has funds at its disposal. As a matter of fact, my own branch has sent, roughly speaking, about £300 within the last twelve months, but we have ample funds to meet any liability likely to occur.

124. Does that sum amount to more than 25 per cent.?—It does, and yet we have plenty.

125. Suppose a crisis should occur in the colony, do you not think your money should be kept here to meet it?—If we were in need of money we could very soon get it.

126. You think there is no need to protect members of your society in the colony?—None whatever.

127. Other unions might have the same provision, and if there was a strike which exhausted their funds, they would have no one contributing towards the strike fund?—I do not think there is any society which has its executive outside the colony without rules similar to ours.

128. *Mr. Ell.*] Are you speaking now as a representative of your union?—Both as a representative of the union and as a member of the Parliamentary Committee.

129. Have your union, independent of the Parliamentary Committee, considered this Bill?—Yes, but not at any great length, owing to the pressure of business.

130. You did not consider it clause by clause?—No.

131. Then, practically, your review of the Bill is contained in the paper you have put in?—Yes, but in regard to clause 51, I am speaking on behalf of the union.

132. That affects the Amalgamated Society of Engineers and yourselves particularly?—Yes.

133. I have received resolutions condemning the Bill as a whole and asking me to oppose it: Now, do you not consider that clause 4 of the Bill, which removes the Willis Blot, is a matter of importance to the worker?—I think, generally speaking, that we have not any particular objection to that.

134. Is the removal of the Willis Blot a matter of importance to the union?—Yes.

135. And it is most desirable in the interests of the workers that it should be removed?—I think so.

136. Does extending the definition of "worker," so as to make it more general in its application (section 40), meet with your approval?—I think that clause is in the right direction.

137. Now, with regard to giving industrial agreements the force of an award?—That is a point which we have asked for for some time. We asked that the recommendations of the Board should have the same effect.

138. And that is provided for in this Bill?—Yes, I think it is.

139. Clause 22, with regard to the enforcement of awards, to do away with vexatious delays which have frequently resulted in unions losing their witnesses, what have you to say to that?—That is another point which, as previous witnesses have pointed out, we are strongly in favour of, and we would also like a provision made for assessors to sit with Magistrates.

140. Altogether, there are many clauses in the Bill which are of distinct advantage to the workers?—Yes.

141. So it would not be to the advantage of the workers to reject the Bill as a whole?—Ne, except in those respects which we have already pointed out.

142. *Mr. Arnold.*] You heard Mr. McLaren give evidence on the whole of the points in the Bill that your party approved of?—Yes.

143. And you agree with the statement that was made by him?—Quite.

144. I was not very clear about my understanding you in regard to the permit: When the Chairman of the Board issues a permit, say, for six months, does he not put a date on it showing that it is issued from a certain time to a certain time?—Yes, but you will find that the Act states that the worker can use the permit until notice is given. I have no actual knowledge as to permits, but I have heard that certain persons have gone about using these permits beyond the time for which they were granted.

145. Do you not think it would be better if they were only good for the time they were granted?—Yes, that is what I am asking for, that they should only be used until the date mentioned on the permit.

146. *The Chairman.*] Is it the usual practice to make these permits available for six months only?—Yes, I understand they cannot be granted for a longer period.

147. Is there any provision in the Act with regard to that?—I cannot say.

148. Do you mean to say that young fellows are in the habit of getting permits, and through not being members of your union you do not know their addresses, and at the time of the expiry of the permits six months later, when the permits should have been cancelled, these young fellows have disappeared?—Yes.

149. Can you give any reason for their disappearance?—Simply because it is a very common occurrence for them to shift from one boardinghouse to another.

150. It is simply a change of address?—Yes.

151. It is not a disappearance from the town?—Presumably not—not always. Although I could not mention names, I have had letters returned to me when I have sent notices out as to the expiry of the term.

152. Would it be an incentive to these young fellows with a six-months' permit to drift away from the towns altogether and get work at the minimum wage elsewhere?—It might be so.

153. Have you had cases where young fellows who have had permits granted to them have worked long after the permits have expired?—I have no definite evidence as to that, but I know it has been done.

154. Have you a copy of your award?—I have not one with me, but I can supply one the next time the Committee sits

To the Workers.—A Manifesto.—Arbitration Amendment.—Trades Council's Views.—New Proposals Condemned.

The following manifesto has been drawn up by the parliamentary committee set up by the Wellington Trades and Labour Council to go into the matter of the amending Arbitration Bill:—

FELLOW-UNIONISTS AND FELLOW-WORKERS,—

In the fulfilment of our duty in watching over the Bills being laid before Parliament, as such affect the interests of the workers, we have carefully examined the above-named Bill, and find that the salient features of this proposed amendment of the Conciliation and Arbitration Act are these:—

1. Abolition of the Conciliation Boards and creation of Industrial Councils with rights of appeal to the Arbitration Court.—The proposed substitution of Industrial Councils for the Boards of Conciliation will destroy all chance of an amicable settlement of an industrial dispute. We believe that in most cases it will be almost impossible to secure Industrial Councillors for the workers' side of the Council who will be independent enough to declare their convictions, under the present wages system. That a worker who has the courage of his convictions while sitting on an Industrial Council will be a marked man is apparent to every worker in the colony, and because for that reason alone it will be futile to expect to get a thorough workers' representative on an Industrial Council for an industry who is dependent on that industry for his livelihood. We

therefore recommend the retention of the present Boards of Conciliation, giving to their decisions a greater finality and the full force of an award of the Court. We believe that a workers' representative who sits continually on the Conciliation Board will have a better grasp of procedure, and be of greater utility towards the effecting of a settlement of an industrial dispute than any chance subservient Industrial Councillor. We agree to the appointment of experts to sit on the Board with representatives whenever it is so desired by either party. The Minister in charge of the Bill has lost sight of the fact that there is provision in the Act as it stands at present to appoint special Boards of Conciliation, when the parties deem such Boards desirable, and to add experts to the existing Boards.

2. Enforcement of awards by Magistrates; with rights of appeal to the Arbitration Court.—For Magistrates alone to enforce awards, the practical nature of which they will probably know nothing about, is a clear contradiction in principle of the Industrial Councils proposal, and to allow appeals from fines imposed would probably end in virtually fining any union of workers which dared to take action for enforcement. The mode of enforcement by Magistrates, with practical assessors added, is the better course.

3. Re-enactment of provisions which (according to the decision of the Supreme Court) give power to imprison for non-payment of fines.—The writ of attachment and imprisonment provisions are a disgrace, as, whatever may be said from a theoretic standpoint, we know that in practice none but the workers will ever be so dealt with, and that whilst employers will be held to the law by property obligations, the workers will be held liable on the quasi-criminal basis of attachment of person. We contend that fines should only be recoverable as a civil debt, for only on these lines can we expect equal judgments as applied to employers and employed.

4. Making individual members of unions personally liable for payment of fines imposed on the union of which they are members.—If the personal property of individual members of workers' unions is made attachable for acts of the union, then there will be added a strong inducement for workers to remain out of the unions. At present a person joining a union incurs financial responsibilities in accordance with the union's articles of association—to use a business definition—but it is proposed to add thereto financial responsibilities which the individual never voluntarily incurred, which principle, if applied to general business concerns, would be held as tyrannical and shameless robbery. This, with other sections, makes it appear as if the general object aimed by this Bill was the entire destruction of trade-unionism in New Zealand.

5. Empowering employers to deduct from the wages of any worker in their employ amounts totalling the amount imposed by way of a fine under this Act.—There is no doubt that this proposal calls for the strongest protest which the workers can make. It is an abrogation of the principles of the Truck Act, the Workmen's Wages Act, and the general principles of our labour laws; the treatment of the workers generally as serfs, over whom the employers should hold a power of possession. If ever this is put into force, the workers from one end of the country to the other will be justified in using any means at hand to relieve them of such base enslavement.

6. Special meeting to refer a dispute for hearing to be advertised three times, and notices and proxy forms posted to all members of the union.—This proposal for advertising such meetings, &c., only emphasizes the absurdity of the whole business. What matters it whether ballot-papers or proxy papers are posted, seeing, as the Government well knows, the great bulk of such papers never reach the members they are posted to? The plea of union officers everywhere is "Let us have a little common-sense in these matters." "The assumption which lies at the base of all these petty restrictions—that disputes are forced on by trades union agitators," is mainly noticeable as a lie of long standing. Surely when a union's rules are registered under the Act all meetings held under the rules should be recognised as legal.

7. That the Court may empower any union to collect payments from non-members of same, at work in the industry and district, as if such individuals were members of the union.—This is the Government's answer to our plea for "statutory preference to unionists," and the answer is a straight-out insult couched in the language of bribery. It suggests that the motive actuating the unions is a mercenary one, and that this can be met by giving the unions power to extract money from men who are not in the unions. Our reply to this proposal is that of the decent class of men who are outside our unions we want them and not their money, and of the other class, who are enemies both to unions and themselves, we don't want either them or their money until they change their ways, when we will welcome them as comrades. The unions of to-day make fees far less of a consideration than the unions of 1890 did, when the Minister in charge of this Bill was secretary of a maritime union. We trust that no union will disgrace itself by assenting to this proposal in the Bill, for it appears to us to sound the death-knell of all character in the labour movement of our country.

8. Inspectors of Factories to issue all permits to under-rate workers.—This is a further limitation of the rights of unions, and probably another attempt to undercut the minimum wage principle. The unions must strongly oppose it.

9. Limiting the right of a union, which is a branch of a society, the head office of which is outside New Zealand, to dispose of its funds in its own way.

10. No further registration under "The Trades Union Act, 1878," if this Bill is passed.

11. Prohibiting any one from being an officer or member of the committee of management of a union unless he has been, or is, employed in the industry with which the union is established.

12. That all funds of a union, other than those required for general management of the union, shall be spent in the way of providing out-of-work payments and sick-benefits. (N.B.—This last proposal is not yet in the Bill, but the Minister has informed the Employers' Federation "that the section was being drafted, but had to be held over, as he was anxious to send on the measure to the employers.")

The above proposals for the abolition of the Trade Union Act, the dictation by the Government as to what the union shall do with its funds, and the dictation also of the Government as to whom the members of a union shall elect as their officers, is perhaps the most autocratic of all clauses. In Conservative England, since the decision in the Taff Vale case, the whole trend of legislation affecting trades-unions has been to enable those unions to have a free hand in the control of all their funds, and the functions of the union. We assert that the members of a union are best fitted to manage their affairs, without dictation from any outside body. Especially despotic is the clause which seeks to prevent others than those actually engaged in an industry to which the union relates from being officers of that union. We say that it is impossible to make such a hard-and-fast rule, and assert again that the choice of officers lays with the members of a union.

It is most difficult from a mere recital of the principles of this amending Bill to get at its hidden depths and meaning. After a most exhaustive scrutiny of every detail of the Bill we have no hesitation in saying that this is the most cunningly devised, insidious, and dangerous measure, from the standpoint of the workers, and the public well-being, which has ever been submitted to our House of Representatives and to the people of New Zealand. Let us examine the proposals made: (1) "Abolish the Boards."—This is contrary to the clearly expressed intentions of the framers of the original Act, and if it is carried our organized labour will do well to consider whether we cannot condemn this Bill too strongly, and if it is passed into law we must advise the unions to withdraw their sanctions to this kind of legislation, and to use all means of passive resistance to make the legislation null and void.

We are, &c.,

A. PARLANE, President	G. LIGHTFOOT
W. T. YOUNG	PETER L. MUIR
W. H. WESTBROOKE, Secretary	D. MCLAREN
A. J. CAREY	A. H. COOPER
M. J. REARDON	T. J. LYONS.

C. H. CHAPMAN examined. (No. 12).

155. *The Chairman.*] What are you?—President of the Federated Typographical Union of Workers, and a member of the Wellington Branch.

156. Also a member of the Wellington Trades and Labour Council?—No, we are not affiliated with the Trades and Labour Council.

157. Have you seen this Bill known as the Industrial Conciliation and Arbitration Act Amendment Act?—Yes. The Board of Management of my union considered the Bill, and the Committee of Management, which is very representative, being constituted of members working in each of the printing-offices in Wellington, having gone through the Bill, sent it to the committee of which I am a member, with instructions to bring evidence before this Committee.

158. In its favour or otherwise?—We are in favour of some of the clauses, indifferent to a considerable number, and very antagonistic to several. My union object to a number of the clauses of the Bill because, however good the intentions of the promoters might be, it appears to us that under the operations of the Bill trade-unionists would find themselves bound by a system of arbitration which will be unnecessarily severe upon them and not, as labour legislation should be, in the nature of protection. The principal clauses objected to are No. 3, which states that "After the coming into operation of this Act no industrial disputes shall be referred to any Board of Conciliation or special Board of Conciliation under the principal Act." I might say that in a recent dispute my society, in compliance with the present Act, presented its dispute to the Conciliation Board, but also took advantage of the clause in the Act which enables them to take the dispute out of the hands of the Conciliation Board and refer it direct to the Court.

159. The famous Willis Blot, of course?—We did that because our observation of the Conciliation Board had been that it simply meant unnecessary delay, and therefore we went direct to the Court. At the same time we know quite well that the recommendations given by the Conciliation Board have generally been more in favour of the workers than have the awards of the Court; but as, of course, there is the right of appeal by any employer or by any party, the union has expressed its opinion that it would be merely wasting time to go to the Conciliation Board. Our union also thinks that while the right of appeal remains with the Industrial Council that waste of time will still endure and prove irritating to the workers.

160. Will the right of appeal remain with the Industrial Councils?—Yes. Clause 4 is one that we consider it is unnecessary to give much evidence upon. It is not so important as clause 5, which, we consider, is an unnecessary restriction upon the unions. Although not particularly harmful to our own union in Wellington, we realise that in time it may be harmful, because we, of our own knowledge, have seen cases where men prominent in trade-union affairs have been sacrificed, and until there is a much stronger clause in the Act which will make the punishment pretty severe on employers who use intimidation, we consider the union should be permitted to elect whom they please to represent them on any Conciliation Board or Industrial Council. Our own union is able, generally speaking, to provide men from its own ranks to represent it, and owing to the particular circumstances in Wellington the fear of intimidation and sacrifice is not so prevalent as it is with many other unions. Clause 24 is the next clause of any importance with which we disagree. We consider that the fine mentioned in that clause in the event of a worker breaking any award—£10—is too severe, and should be reduced by half, so that the clause should read "£5" instead of "£10" in the case of the worker. Clause 29 should also be reduced in a similar amount to make it a reasonable fine. To clause 30 my union takes strong objection, and considers it most inadvisable that an employer should be made the instrument to levy fines through breaches of an award, and if that clause is retained, we think the 25 per cent. should

be reduced to 5 per cent. Although we, of course, object to the clause in its entirety, we consider that 5 per cent. would be more reasonable. Clause 31, which reads that a Magistrate may make any order as to costs, we consider would really increase the total fine incurred by the worker or by the union, and think the costs should be included in the fine. Clause 44, subclause (*a*), we have an objection to, because we consider the whole clause requires simplifying. So long as members are notified according to the rules of the particular union—rules which, of course, have to be passed by the Registrar—and the rules are adhered to, there is no necessity for these irritating regulations with reference to calling special meetings for the purpose of considering disputes. We object strongly to clause 45, which limits the time during which a worker can recover wages to three months, and consider that that will be very hard upon the worker who, perhaps not through his own fault, has been working for less than he should have been according to the award. We consider that should be struck out altogether, and that the Statute of Limitations should apply. Clause 48 we do not object to, but consider that it would be much improved if all the words after the word "award," in the last line, were deleted, so that a true copy of the award should be fixed up in every factory where the award was in operation. With regard to clause 50, we object to the Inspector of Factories being the officer to decide whether an under-rate permit should be given. In Wellington we are not troubled with the permit clause very much, but we may be in the future. We discourage the granting of permits, and have been very successful in that direction in the past; but we consider that if a permit is granted, the president and secretary of the union concerned should decide in Court whether the permit should be granted. We take very strong exception to clause 52 because, seeing that the tendency is to make these Arbitration Acts severe upon the workers, we consider that a loophole should be left to them so that they should be able to still have their trades-unions and exercise the ordinary functions of trades-unions outside the Act if it appeared to them that the Act was too harsh to be endured. Clause 53, although it does not affect our society—which is officered entirely by members working at their profession—might, perhaps, in the near future, prove an obstacle to our union, because it is growing, and it may be found necessary for us to employ a man for the whole of his time in connection with the work of the union, which apparently, through this clause, it would be impossible to do. We consider it an unwarrantable interference with the internal management of the union. Those are the clauses which we object to, and there are just one or two clauses with which we are in sympathy. These, we consider, could be better grafted on to the present Act and kept entirely outside of this Bill, which is so full of obnoxious clauses. We approve of the clause which states that an award by an Industrial Council—which we would prefer to be a Conciliation Board—is to take effect from the date it is given. At any rate, the intention is that, pending an appeal, the award shall be in operation. We consider that if that had been the case with the present Conciliation Boards much of the delay which has occurred would have been obviated, and appeals would not have been so lightly made to take away from the workers what the Conciliation Board had given, for a few months would have proved that the awards were not so harmful to employers as was thought.

161. What clause is that?—Clause 18, subclause (8)—"The pendency of an appeal shall not suspend the operation of the award appealed from."

162. You approve of that?—Yes, and consider it could be made use of for the Conciliation Boards. Clause 21 is approved of, with an alteration in line 15, so that the word "shall" shall take the place of "may." That is all the evidence I wish to give.

163. *Mr. Ell.*] If the term "Industrial Council" were removed from the Bill and the clause providing that you shall be limited in the selection of your officers to members or past members of your union were struck out, also an alteration made with regard to the Inspector of Factories being the officer to decide whether an under-rate permit should be given—with these alterations, you would not object to the Bill?—So long as a loophole is left to us to go outside the Act we should not object.

164. *The Chairman.*] You would cancel your registration under this Act—you would be able to stand from under it?—We consider that we should have the power to stand from under it if it became too severe.

165. *Mr. Ell.*] You are, of course, aware of the power to pass over the Conciliation Boards and that the workers generally have been opposed to that—they say it has been used by the employers to the detriment of the workers?—I believe you will find they object principally because they have eventually to go before the Court. They go before the Conciliation Boards with the best possible wishes, but they find that, whatever they get from the Boards, the employers, if it suits them, will take them along to the Court. It is the right to appeal that is the stumbling-block.

166. Then the practical effect of your evidence is this, that you think if there should be no appeal from the Conciliation Board's recommendations they should become the award?—Yes.

167. That means the abolition of direct reference to the Court—that is what you advocate?—I am not advocating the abolition of the appeal, but I point out that this Bill operates against the Conciliation Boards. If you had the Conciliation Board without the right of appeal it would be really another Court, and I think one of the ways to remove the irritating delays that occur is to increase the number of Courts. If you give the Conciliation Board the same power as the Court, that is really increasing the number of Courts. The delays are provocative of much irritation.

168. You are aware that that is removed by a clause in this Bill?—Not entirely. The right of appeal overrides any attempt to remove delay.

169. But the award or recommendation of the Conciliation Board will hold until overruled or modified by the Court?—I agree with that clause, but the right of appeal still exists.

170. *The Chairman.*] Suppose this Bill passes as printed and becomes law, would you, with your present knowledge, prefer that the Bill should become law or would you rather go on with the present system?—I would rather go on with the present system.

171. You would sooner do without the Bill?—Yes, much sooner.

172. Now, with regard to the way in which the Bill has been considered by your union: are you satisfied that the members of your union are fairly well seised of its provisions?—All the principal provisions, yes.

173. And you have expressed their views this morning?—Yes, I believe I express the views of at least five-sixths of the members.

174. Then, the feeling must have been pretty unanimous against the Bill?—Yes. The members resent the taking-away from the unionists the right to register under another Act, and the privilege of saying who shall be their officers.

175. Do you think the Bill, if approved, will be any improvement, generally, in the way of decisions being arrived at?—No, the decisions will not hold good so long as they did in the past. The workers are always wanting improvements. Take the slaughtermen: they took a more effective method of getting what they wanted, but in the great majority of cases the workers are opposed to extreme measures. They desire conciliation, and while that feeling exists they should not be fettered with harsh conditions.

176. You think their freedom of action will be affected?—The setting-up of harsh conditions will arouse prejudice, and I do not think the harsh conditions are practicable.

177. *Mr. Hardy.*] The Bill is a Government measure, is it not?—It is undoubtedly a Government measure—the Government are responsible for it.

178. And you do not approve of it?—I do not approve of it in its present form. There are just one or two clauses that one could approve of, but the majority are obnoxious.

179. Then you disapprove of the action of those who introduced this measure?—Undoubtedly.

180. Do you not think those who introduced the measure are greatly interested in the welfare of our Dominion?—Yes, but the best intentions do not sometimes effect what is desired.

181. Do you not think those who have introduced this measure are deeply interested in the welfare of the Dominion?—Yes, but I think they have made a mistake this time.

182. Then you do not approve of their action in introducing this measure?—No.

183. And you will be pleased if Parliament alters it considerably before it becomes law?—Yes.

M. J. REARDON examined. (No. 13.)

184. *The Chairman.*] What are you?—A member of the Parliamentary Committee of the Wellington Trades and Labour Council, and secretary of the General Labourers' and Engine-drivers' Unions.

185. You are secretary of two unions?—Yes.

186. Have you seen this Bill?—Yes.

187. Has it been submitted to the two organizations of which you are secretary?—It has been submitted to the General Labourers' Union, and, owing to the statement made by the Minister of Labour, I took the precaution not to take any guiding part in influencing the opinions of the members. I read a communication I received from another union in the city asking us to take the Bill into consideration and oppose certain drafted clauses in the Bill. After reading that I left it entirely to the members to discuss the Bill. A number of members discussed it, and said they had not actually seen the Bill itself, but had seen a rough draft of it in the Press, and also comments on both sides. Some criticized it from one point of view and some from another; but they were all utterly opposed to it, and eventually carried a resolution indorsing the action of the Trades and Labour Council in opposition to the whole Bill. Their actual words were "to kill the Bill."

188. You confined yourself entirely to your clerical duties?—In this connection I did. With regard to the Engine-drivers' Union, the Bill was only discussed in an informal way, but the members who were present were opposed to the Bill, and I have since seen that the president of the union in the public Press has criticized certain statements of the Minister with regard to the Industrial Councils. That, I think, establishes the fact that both the unions I am connected with are opposed to the cardinal features of the Bill. I should like to give to this Committee my experience with regard to the views of the unions of this city, but in order, if I can, to put cogent reasons before you as to why the Industrial Councils and other features of the Bill should not become law, I would like first to take the case of the General Labourers. Now, sir, we have a union of something like six or seven hundred members, and when I took the case before the Arbitration Court here I had opposed to me the Engineer for the City, Mr. Morton, the Engineer for the Lower Hutt, the Engineer for Petone Borough, and the Engineers for Miramar and Karori Boroughs, also a few private employers and the secretary of the Employers' Association. Well, now, I maintain that out of the five or six hundred members in this union I could not find three men who could be pitted against such a man as the City Engineer and two others of equal calibre with any chance of success. Not that the men would not have a thorough grasp of the matter, but because when it became a question of diplomacy or putting their case in the light they would desire they would be at a disadvantage. I am quite positive that it would be absolutely impossible to get three men to do so, and I am not sure that I would not be excluded from acting for them on account of clause 53. I am positive that this provision would wreck them, providing they had to sit on the Industrial Council. I will submit to you another case, that of the electricians. I was asked—not because I had any special knowledge of the matter, but because I was outside their ranks and had had some little experience of the Board—to take their case, with the representative of their union, before the Conciliation Board. Now, the man appointed by the union was a man who was a clever workman, and it was partly for that reason that he was appointed, because when it comes to a question of intimidation and that sort of thing the employers can ill afford to lose a clever man in this particular line of business, and because he was a clever workman he was to a

greater extent independent of the employers than others less capable. This man is a foreigner—a Norseman, I think—and he has the very greatest difficulty in making himself clear in our language, but he was the best man they could choose out of the union to represent it. Now, what would be the position if this man were not allowed the assistance of any one independent of the employers and outside the business? Naturally the position of the union would be absolutely helpless; and here, perhaps, it would be well to mention to you the evil effect of what is known as the Willis Blot in the Act. We had instructions from the Clerk of Awards to appear at the Chamber of Commerce at half past 10 o'clock on Tuesday, the 24th instant. We attended, and ten minutes before the hour appointed a telephone message came stating that the case had been referred on to the Court by the employers. Now, there is another union in Wellington—the Brick and Tile Workers'. These men have been working under an award for a matter of five or six years, and it is a most hopeless award. It is a scandal, I think, to the city that the employers in this industry should be allowed to work their men as they do under this award. They have to put in twelve hours of night-work for 10s. These men are anxious to go before the Court to improve their position. They have preference to unionists, but owing to the fact that their secretary and president, as well as members of their committee, were all working members of their organization, they have never been able to exercise their preference clause, and the consequence is that the union is just on the brink of the grave, as it were. It is practically defunct, and these men have asked me to take over their union. There is nothing in it from a monetary standpoint, and I mention that because the term "professional secretaries" is being thrown at us, whereas each and every professional secretary is doing no better, financially, than he could do if he were working at his own trade. I myself hold a first-class certificate as an engine-driver, and the award of the Court in our case gave us 10s. a day. I get 10s. a day for acting as secretary, but I work a great deal at night for this remuneration. The monetary aspect is greatly exaggerated, for we are not making money out of the movement at all—at least, I am positive I am not. If I took over the secretaryship of the Brick and Tile Workers it would be argued as another point against the professional secretaries. It would be said, "Here is a man who knows nothing about the Brick and Tile Workers' Union, and he has taken over the secretaryship to harass the employers." If there is any union in town that I should like to take over in preference to another, it is that one, because it is in such a bad condition; but if clause 53 came into operation I should be absolutely prevented from helping these men. It is the same with the Timber-workers. Recently this union took its case before the Conciliation Board. It should have taken its case before the Board at least two years ago, because the wages of the men are wretchedly low, but they were not in a position to do so. The timber-workers extend over the whole industrial district, and it means a considerable outlay of money, and these men have never had the money to take up the case and fight it before the Court properly. According to clause 53 of the Bill I should be prevented from helping men such as the timber-workers. But what I am most anxious to emphasize in connection with the General Labourers' Union, Engine-drivers' Union, Brick and Tile Workers' Union, and Timber-workers' Union is that in any one of these four unions it would be next to impossible to get suitable men to take part in the proposed Industrial Council. I have knowledge of each of these four unions, and I feel positive that they could not set up the Industrial Council because they could not get suitable men to act on it. In these industries there are clever men, but the clever men are not all on the side of the workers, and I have found that when we go into conference we have to pit ourselves against some of the ablest men in the city. In the Timber-workers' case here, in addition to the principal merchants of the city, we had a secretary against us who is paid £400 a year to look after the interests of six employers—that is, the Wellington Timber-merchants' Association. How can it be expected that we can pit our knowledge and debating-qualities against men like those? Probably if our men were clever enough to do that they would not be in the rank and file. When we got to Masterton we had the Mayor of Masterton against us; and further on, when we got to Waipawa, we had Mr. Hunter against us, and Mr. Hunter was formerly a member of this House. I think it is grossly unfair for the Minister to ask common workingmen to pit themselves against such men of education and ability. If we can find men outside of our own ranks in whom we have confidence to serve us, we should, in common fairness, be allowed to employ them. We object to the Industrial Councils because we consider that Conciliation Boards have never had a fair chance; but they have given satisfaction to the workers in a majority of cases. They have never had a chance, because the employers never made a secret of the fact that they did not believe in Conciliation Boards, and said that whatever decisions were given they would ignore them and go straight to the Court. They have found that the Court—as we have found by bitter experience—has done well for the employers and not for the workers. For that reason we object to the hostility which has been shown towards the Conciliation Boards. When we went to Masterton in the Timber-workers' case the Mayor of Masterton told us straight that he objected to conciliation, and wanted the Arbitration Court to settle the case. The consequence was that the sitting lasted about three minutes. When the decision of the Conciliation Board in the Timber-workers' case came out it was found to be satisfactory to the unionists. They held meetings and discussed the award, and, although they were certainly dissatisfied with certain clauses in it, on the whole they said they were prepared to accept the recommendations. Three weeks elapsed, and we thought that perhaps the Board had settled the whole matter; but in the fourth week we read a paragraph in the papers stating that the dispute had been referred on by the Wellington Timber-merchants' Association, which, as I have already stated, consists of six firms, and if the members of this Committee will look up the *Labour Journal* for July they will find that there are several hundred sawmillers cited in that case. So you see that five or six merchants in Wellington have taken that case on to the Court, whereas, had it required a majority of the men cited, or had the case only been taken to the Court on a point of law or other reasonable ground for appeal, it would have been settled and the men would have been quite satisfied. I

suppose the men will be chafing over that disappointment, because the case will not be heard, probably, until after Christmas. These are the causes of the delays which have occurred. As far as I can see, the provision of the Bill which makes a recommendation operative even during the time an appeal is pending—if that were operative at the present time it would not matter if the Arbitration Court did not give its decision until the sound of the last trump. That is my opinion of the matter. We have had satisfaction from the Boards, and we feel sorry that we are going to lose them. I went direct to the Court in the General Labourers' dispute, not because I thought we should not get satisfaction from the Board, but because of the delay which would ensue, and I knew the employers would take every opportunity of delaying the matter. I got into the Court more by the courtesy of the Judge than anything else. Here I would point out that the machinery for setting-up the Industrial Councils will cause far greater delays than that of the Conciliation Boards, for, as far as I can see, two ballots are required, and those unions which are scattered over the district will have very great difficulty in complying with the sections of the Act requiring the setting-up of the Industrial Councils. We also object to the clause which prevents registration under the Trades-union Act. We did not register before under this Act because we were satisfied with the Arbitration Act. When the Arbitration Act came into operation we were quite satisfied with it; but in recent years our position has become more acute, and we feel now that we are almost driven into a corner. We may want to fight our way out directly, and if this clause is passed as it appears in the Bill, as soon as we fight ourselves clear of the Conciliation Act we shall become outlaws. That is to say, our meetings will be illegal, and we are liable to have the Riot Act read. It will be an illegal assembly.

189. By what clause?—As soon as we cancel our registration under this Act our assembly may be unlawful.

190. By what provision?—It can be declared an unlawful assembly.

191. Can you say where that is stated in the law?—It can be declared an illegal assembly, I think, by the Police Offences Act.

192. I shall be glad if you will supply the Committee with that information?—I will do that, sir.

193. Do you believe that it will become an ineffective assembly?—I mean that it can be, provided the powers that be are hostile enough to declare it an illegal assembly.

194. All right, we shall be glad to get the information?—Of course, I have spoken somewhat strongly with regard to clause 53, but I should like again to emphasize the fact that I have done so not from the monetary standpoint. I am quite sure that any paid officers in the city could do better in other walks of life. I know it to be so in my case, because I have earned for years what I am earning now. I have avoided going through the clauses one by one for the reason that I have been at several meetings of this Committee previously, and I have found that the repetitions are many, and I wanted to avoid repetition as far as possible, so that my evidence was in the direction of giving you my experience and stating the difficulties the unions with which I am connected would find themselves under in reference to the Industrial Councils.

195. Taking the Bill as a whole, would you rather be with it or without it?—We would rather bear the ills we have under the old Bill.

196. You would rather bear the ills you have than fly to those you know not of?—Yes.

TUESDAY, 1ST OCTOBER, 1907.

[NOTE.—The evidence of William Murray and G. H. Lightfoot, given on the 1st day of October, 1907, is printed at the end of the evidence, Nos. 14 and 15.]

DAVID MCLAREN further examined. (No. 16.)

1. *The Chairman.*] You desire to continue your evidence?—Yes. I want, first of all, to place on record the occupations of the men who signed the Wellington Trades and Labour Council's manifesto.

2. There was some suggestion that the men were not actually employed in the avocations represented?—Yes, and did not understand the particular industry with which their union was connected.

3. We will have that as additional evidence?—The names are—A. McParlane, president of the Drivers' Union, a driver by occupation; W. T. Young, secretary of the Seamen's and Tramwaymen's Unions, seaman; W. H. Westbrooke, secretary of the Coach-workers' Union and Furniture Trades Union, coachbuilder; E. J. Carey, secretary Cooks and Waiters' Union, waiter; M. J. Reardon, secretary General Labourers' Union and Engine-drivers' Union, both a general labourer and engine-driver; G. Lightfoot, secretary Carpenters' Union, carpenter; Peter L. Muir, secretary Tailors' Union, tailor; David McLaren, secretary New Zealand Waterside Workers' Federation, Moulders' Union, and Wharf Labourers' Union, wharf labourer; E. J. Lyons, secretary Building Trades Labourers' Union, builders' labourer; A. H. Cooper, secretary Butchers' Union, bootmaker. That is the complete list.

4. They form the Parliamentary Committee of the Wellington Trades and Labour Council?—Yes; these have their signatures on the manifesto. Since meeting you last I have received a communication from the secretary of the Greymouth Wharf Labourers' Union—two telegrams and a letter. The first telegram reads, "Our union passed resolution supporting your manifesto. Do not know opinions of other unions." That is the Greymouth Wharf Labourers' telegram. The sender says he will get me the opinions of the unions on the West Coast. Then I got a further telegram, "Held further meeting yesterday to consider Bill. Agreed to Industrial Councils. Agreed arbitration and enforcement clause *re* Magistrates, with assessors; the rest as your manifesto. Other unions meet this week. Writing."

5. Did you receive the letter?—I received a letter giving the views of the union. Summarised, they agree with the proposals for the Industrial Councils, with this condition: Provided

that at least one representative from either side may not belong to the industry in which the dispute has arisen.

6. The effect of that would be to make the Council consist of seven, four of whom would be representative of the industry, one on each side would not, and the chairman would be neutral?—They do not make it very clear as to what they mean. I take it to mean that they want one permanent adjudicator from each side on the Industrial Council. They say, "Finally, we agree to a great extent with clauses 3 to 12 of the manifesto by the Parliamentary Committee of the Wellington Trades and Labour Council." And I may say they also agree with our position with regard to clause 2 of the manifesto, which deals with the addition of assessors to sit with the Magistrate in certain cases where necessary.

7. Is there any reason why you should not put the letter in as a whole?—I am willing to do so, but I thought the Minister would put it in for me, as he has a copy. The difficulty I see in arriving at what the unions do want is exemplified in this instance: their first telegram made it appear that they indorsed the whole of our manifesto, while the second communication makes up the difference where they disagree with us. I think it would have been much better, in dealing with this industrial legislation, if the unions and associations had been consulted more in advance, as in connection with the amendment of the Scaffolding Act which is in existence at the present time. That has been supplied to those concerned, and they are making recommendations in various parts of the country. I understand that on those recommendations the Bill which will be finally submitted to the House will be drafted.

8. *Hon. Mr. Millar.*] The reason why that is done is to insure that the provisions forming the machinery for the saving of life are effective. The proposals were submitted to both sides?—I think that should have been done in connection with this legislation as well. I desire to submit a letter which I had published in the *Evening Post* on the 13th July, 1903, dealing with the question of preference to unionists. I want to put it in for the reason that it has been read on three different occasions before my union, and been indorsed as the reasons for obtaining preference.

9. *The Chairman.*] You mean the Waterside Workers' Union?—Yes.

10. You can read it and then hand it in?—I want to explain here also that while I am secretary to another union—the Moulders'—I am merely the honorary secretary of it. The letter reads,—"*The Premier and Compulsory 'Preference to Unionists.'*—(Copy of letter published in the *Evening Post* on the 16th July, 1903).—To the Editor.—SIR,—Reading your report of the Sawmillers' Union interview with the Premier, and Mr. Seddon's remarks on the above question, it would appear that the Premier will be satisfied if he can secure a non-discriminating clause being added to the Arbitration Act. Allow me to point out that we can always secure the insertion of such a clause in our awards—the employers readily agreeing. The experience of the unionists, however, is that such a clause is of no value whatever. The truth is that our quarrel is not with the employers or with the Court, but with the Legislature. We contend that the Act, as it stands at present, is a legal discrimination against workmen's combinations, in that we require to share the whole benefits secured by our combinations with those outside our ranks—even with those who are fighting against our unions. The simple logic of the Act appears to require that, as the registered unions are made legally representative of the workmen engaged in the trade or calling, the members of such unions should have a prior claim to employment under any award, seeing that they are saddled with the responsibility of initiating and maintaining the award. I am positively certain that the present conditions cannot long continue. The unionists are rapidly coming to understand that the Act is a direct encouragement of non-unionism. It says to the workmen, in effect, 'You can form your combinations, but the effective benefits which you may secure will be given to those outside your combinations.' This, I submit, simply means that our Legislature says, 'If you workmen are non-unionists you can secure the benefits of industrial awards without being hampered with any responsibility in the direction of maintaining such awards.' Clearly there are only two courses open to the unionists of New Zealand—either to receive such status under the law as is equivalent to the responsibility incurred, or to repudiate any connection with the Arbitration Act, and prepare to fight an unjust law. Trusting we may not require to adopt the second course, I am, &c., D. McLAREN.—Wellington, 10th July, 1903." I may say that the question of statutory preference to unionists has been discussed on several occasions since then, and the views expressed have been to the effect that it is not a question at all of monetary payments by those engaged in the industry. In fact, with many of the men we have in the union we have a difficulty in getting regular payments—a difficulty which is enhanced in an occupation like that of the waterside workers, where the men are continually floating about. We have always urged the claim for statutory preference on the ground that it would give us, not a hold over the men's money, but over the men themselves, and would enable us to meet on fair ground the combination that exists among the employers. As an illustration of what that combination means, I would like to point out that when we got an award some time ago, which extended the ordinary hours on Saturday from 1 p.m. to 4 p.m. for the stevedores, one of the shipping companies which had always paid the overtime after 1 p.m. went on with their old custom; but the employer told me distinctly that pressure was put upon him by the other employers to discontinue the practice he had carried out for years.

11. The practice of paying overtime?—Yes.

12. The result being that Saturday ranked as any other day?—The result being that overtime starts only after 4 p.m. on Saturdays. We find that the organization of the employers is very complete, and that to give the worker in our occupation any chance of justice it is necessary that we should have a protection which will give the union men a prior claim in the matter of employment, because that would eventually bring all the men into our ranks; and it would have this further effect: it would insure that the whole body of the men would take an interest in the conditions of their employment, and therefore assist those who are unionists at the present time in seeing that the awards are properly carried out.

13. You consider your organization inferior to that of the employers?—Yes, and it must necessarily continue to be so, owing to the nature of the work and also to this—that without statutory preference to unionists there must always continue a measure of discrimination in favour of non-unionists. In the first case that the Wellington Wharf Labourers' Union took before the Court our vice-president—a man named Reynolds—made himself prominent in forwarding the interests of the union. The man was a highly skilled stevedore, and prior to his taking an active interest in union affairs his wages ran up to an average of close on £4 a week. After the case was over his wages dropped gradually until he was not averaging more than 15s. a week, and the man had simply to get out.

14. He left the town?—Yes, he took a ship. He was a seaman, and a man of particularly bright intelligence. He was a most capable man, and that is the type of man we lose. I would like also to point out that whilst an award is in existence, with only a portion of the men in the union, the other men are browbeaten into ignoring the terms of the award, and hundreds of breaches occur that are covered up in such a way that we can never get them rightly placed before the Court. To carry the award out properly would require one or two permanent Inspectors of Awards on the wharves all the time, and that is so for the reason that a man in this occupation does not require to be discharged.

15. You mean that he is never in permanent employment?—He is simply left in idleness—you can never prove that the employer discharged him. The most you can prove is that, whereas he was earning £2 10s. or £3 10s. as an average over a certain period, that average has dropped down to something very much lower. Our last president of the union was a coal-worker, and a good one. To my knowledge he went through considerable strain because he tried to look after the union's interests. In the shipping company he worked for his wages dropped down until they would scarcely keep a child. He got work from some of the other companies, and found that he had to drop his interest in the union to keep his chances in them. They practically squeezed him out of taking a live interest in the union's affairs.

16. Can you give his name?—Mr. T. King. Of course, our employers are astute enough to sometimes vary their tactics by buying our leaders. The Wellington Harbour Board is particularly good at buying off our leaders.

17. Is that what you referred to on one occasion as "sweetened" intimidation?—Yes.

18. You mean that some men are put in better positions than those of the unionists in general?—Yes. It all amounts to this: that the economic conditions are such as to compel the union men to get men as officers who are independent of their employers. They are forced to do it. Even to get witnesses in cases which we have had to bring before the Court we have had the very greatest difficulty.

19. Do you have to subpœna them?—Yes, we always subpœna them. To get voluntary witnesses is a most difficult thing indeed. Coming to the Bill, section 3, which proposes to abolish the Conciliation Boards, we entirely disagree with. There is some ground of reason, we contend, for amending the constitution of these Boards in the way of making it easy, where the parties think proper, to add practical assessors from the trade or occupation. I submit, however, that if in all cases the unions are either to draw their adjudicators from the trade or industry, or have practically no say in the persons appointed, it will cause considerable irritation and probably antagonism to the Act itself. I recognise that in the case of some technical trades it is desirable to have the men drawn directly from those engaged in them; but we contend that it would be better to have those in addition rather than in substitution of the permanent members. There is one thing that makes me doubt whether some of the unions which have indorsed the Industrial Councils proposal thoroughly understand it: that is this—that in the case of some of the unions—take the Greymouth Wharf Labourers' Union as typical—they have never made any effort to get a special board of experts, which they have power to get under the Act as it now stands. They have never made any attempt in that direction. Sir, I wish to repeat what I said previously, to the effect that the Conciliation Boards at first mistook their functions and acted as Courts of law. I know from personal knowledge that here in Wellington the process was gone through right from the opening of the case of calling witnesses and acting in accordance with a strict legal mode of procedure. That was the case from the initiation of the Board here, and existed to some extent up to last year.

20. You mean that they conducted their business with undue formality?—Yes, and very largely as a Court of law instead of a board of inquiry. The Wellington Board has altered its procedure by now asking the parties to confer together with the Board, or with the Chairman in some instances. They take the statements of the parties, and not only carry on the inquiry at the meeting of the Board, but also outside.

21. All the business of the Board is not transacted at its meetings: is that what you mean?—Yes. The members of the Board and the Chairman carry on inquiries outside as to the industry and the conditions ruling in same.

22. They supplement the evidence from outside?—Yes. They first of all meet as a board of investigation, and if they cannot, after conferring with the parties, get them to come to an understanding, then they take formal evidence. That is the line on which the Board has been taking cases here recently. I would like to say this: that even if an amendment of the law is made in the direction of providing for practical assessors in the case of some special trades or occupations, I think it will be a gross error of judgment on the part of the Legislature to press these Industrial Councils on many unions that do not want them and have no confidence in them.

23. But you have not spoken strongly in support of the present Boards of Conciliation?—I say the Boards have considerably reformed their mode of procedure in late years, and I think that line of action should be encouraged.

24. Would you rather reconstruct than replace them?—Yes, I would rather reconstruct them than replace them with the Industrial Councils. Section 5 deals with the Industrial Councils. I would point out that the one thing connected with this arbitration law which organized labour can never afford to give up is the absolute independence of their representatives in adjudication. It was under the guarantee of this that the workers' unions first registered under the Act, and I believe if that element is weakened or destroyed it will mean a breakdown in the Act itself. I submit that there are three principles in this arbitration law which must be maintained: The first is the independence of our representatives in adjudication; the second is reasonable continuity in methods and principles adopted by those exercising the functions of adjudication; and the third, general and specialised knowledge and insight in connection with industrial affairs. We oppose the Industrial Councils proposal because it stands only for the third principle herein named, and not even that in its entirety, as the selection of adjudicators from the industry concerned in the dispute is a reliance principally on specialised knowledge, and even there general knowledge of industrial affairs and capacity of construction may be wholly overlooked. In this connection I would point out that the workers in this district, for instance, believe that the accumulated knowledge which a man like Mr. A. H. Cooper, a member of the present Board, has acquired is of very great value to them. Specialised knowledge is not always of the value which it is taken to have. As an illustration I would point out that when Mr. W. M. Hughes, M.H.R. of the Australian Commonwealth, was sent Home to the Marine Conference recently, there was a bit of an outcry against him being sent on the ground that he was not a fully qualified seaman. Yet when he returned it was recognised that his general capacity and high constructive ability was of more value than the mere specialised knowledge of some of the other representatives. The big majority of the unions in this country are small unions. Going through the last return of the Department —I might say that I had a complete return, but have mislaid it—I made out that there were over 150 unions which had a membership of 100 and under—that is, out of a total number of 274 workers' unions. The 150-odd I speak of would not include branch unions, but unions proper.

25. *Hon. Mr. Millar.*] Did you exempt the Railway servants?—Yes. Coming back to the value of general knowledge and acquired capacity from the hearing of many cases, I would like to point out that this is of special value to the workers. It is even of more value to the workers than it is to the employers, for this reason: that the employers have more funds at their disposal. They have more of the means of purchasing assistance as they require it. They can get the assistance of trained minds, legal minds, and others more easily than the workers can. Therefore, although the setting-up of these Industrial Councils may please a few of the unions through them thinking that they are going to entirely manage their own affairs, we feel certain that they will come to recognise that they have lost a great deal through the striking-out of the permanent element of the Conciliation Boards. Section 27: We think that, if the right of appeal on fines is allowed, the purpose for which the application to Magistrates for enforcements is provided will be destroyed. The unions want this law simplified; they do not want it made more and more complicated, because that simply means selling the workers. Continued appeals and litigation mean the victory all the time for the men with the long purse.

26. *The Chairman.*] You have not overlooked the fact that the award will be in force all the time?—That is so; but the object of allowing the Magistrate to enforce the award seems to be to cut away by allowing appeals. Section 28: This, I submit, allows, according to the judgment of the Appeal Court, for imprisonment in the case of non-payment of fines. The Minister said he never wishes to see a man imprisoned, and I accept his assurance; but I think that is a good reason why this sword should not hang over the heads of the workers continually. Section 29 is practically on the lines of section 101 of the existing Act, only that the word "debt," as it exists in section 101 of the Act, is replaced by the word "fine." Whether that has any relation, or whether it is for the purpose of making it clearer that the fine shall not be collected in the way of a civil debt, but shall be regarded as a penalty enforceable finally by writ of attachment, I cannot say. The wording of the whole section is too deep for my mind, and I should require something of a legal training to be more sure of it. Section 30: The proposal for attachment of wages in payment of a fine we oppose very strongly. The whole trend of democratic legislation has been for the last fifty years in the direction of freeing wages from anything of this nature.

27. Can you give us any suggestion as to how penalties shall be enforced if wages are exempted?—I hold that the penalties should be enforced as a civil debt. The penalties put upon employers are never likely, in my judgment, to be enforced in any other way than as a civil debt. The return given in the House by the Hon. Mr. Millar in reference to the outstanding liabilities on the part of certain employers was to the effect that there were 2½ per cent. of those who had been fined whose fines were not yet paid. This will, I take it, be collected in no other way than as a civil debt, and I never want to see them forced on the employees in any other way. Sir, on this question of fines I think we are forgetting that this Act, to be of value, requires to induce confidence. When we have to depend upon the coercive force of a fine or imprisonment, then will come the time when the Act itself is weakening, and I submit that then comes the time when the Legislature should give its highest wisdom to improving the machinery of this industrial law so as to inspire the confidence of all once again. There has been a great deal said about the slaughtermen's strike, but I submit, sir, with all respect, that the slaughtermen's strike was due to the laxity of the Legislature in failing to push on the amendment to the Act which would do away with the congestion and delay which caused so much bitterness right throughout the country. I would like to point out that in this section 30 there is no suggestion that a worker, or a union of workers, should ever act as agents in collecting fines imposed on employers. We do not want such a thing; we do not want to take the position of a bailiff or debt-collector in that way, but we certainly strongly object to the employers having any such power over us. Section 33: This refers to section 152 of the amending Act of 1905. That is the anti-strike-and-lockout section. I would

only like to say that I think that section of 1905 was a legislative blunder, for this reason: that I hold that this industrial law was for the purpose of providing machinery to prevent strikes or lockouts ever taking place. It was not, at any rate, primarily for the purpose of suppressing strikes or lockouts after they had taken place. The Industrial Conciliation and Arbitration Act, to my mind, should be looked upon more as a strike and lockout prevention Act, and the energies of the Legislature should be directed to perfecting it in that way. Section 45 we oppose, because the fact that the back wages can always be recovered as the law now stands is a strong impetus in the way of binding the employers to see that the proper wages are paid. The employer who pays under-award rates does so with knowledge of the fact. You may, in occupations like that of the general labourers, or occasionally waterside workers, find employees who do not know what the award rate of pay is, but that ignorance does not exist amongst the employers, and we think they cannot be freed from their legal liability as it exists at present without endangering the position of the workers. Section 47: This is the compulsory-contribution clause. I might say that the Wellington Wharf Labourers' Union has never had a preference clause in its award. We have built up the union from about fifty members when we started to somewhere about eight hundred at the present time, and the compulsory contribution by orders in the case of the wharf labourer makes me smile. I think that it would need half a dozen secretaries spending the whole of their time in collecting the dues and doing nothing else.

28. You think it would be more difficult to do that amongst waterside workers, where the men are only casually employed from job to job, than in the case of men working for weekly wages?—It is simply absolutely impossible. You get a day when there are about twelve hundred men employed on the wharf, and a day or two after you get only about four or five hundred.

29. And a man's engagement is terminated when he has finished the job?—Yes, it is an hourly engagement. The men outside the union would come in to get the benefit of the employment under the award, and when you wanted them they probably would not be there. I want to point out this: that at present, in connection with the wharf-work here, I am confident from the knowledge I possess that the employers pursue a distinct policy of making the employment as extremely casual as they can. That, of course, means the weakening of the union. It is a thing we have to be always battling against. The men are being constantly changed. For instance, a man who is working in the coal this year will, perhaps, next year know very few who are in the coal-work, because a great number of them have been changed, and the policy pursued is that of attracting men from outside. In fact, on occasions the employers advertise for men in up-country papers and elsewhere, even when there is an adequate supply of labour on the wharf here, and that means a continual changing of the men. If we had a statutory preference for members of the union it would mean that there would be a great deal less of that sort of thing going on. I say, because I know, that at the ports where they have preference to unionists there is less of this continual changing of employees. That is true of New Zealand, and it is also true, from information I get from the Australian Waterside Workers' Associations, of the Commonwealth ports in Australia. It is not a question with us of whether we could get the non-unionists' money or not—we oppose this thing entirely because, in our judgment, it is a degradation of our unions. We would much rather things were left as they are—that we should take our chance of getting the preference from the Court, or practically enforce it ourselves by strengthening and increasing our organizations. We have already done that last in some instances. Section 51: This we oppose. In fact, we oppose anything in the nature of interference with the internal management of the unions. There has been even too much restriction placed on the freedom of organization in this colony as the law stands now; but a proposal such as this, interfering with the funds, is in our opinion extremely dangerous. Take the federation that I represent—the Waterside Workers' Federation. We are in touch with the Australian Waterside Workers' Federation, and it is very probable that we shall be in alliance with them in a short time.

30. *Hon. Mr. Millar.*] Is it worth while going into that, when it has been publicly stated that that clause will be struck out?—I did not know that. I am glad you have come to that decision, because I could see that we might some day have to fight the International Shipowners' Federation. Section 53 I need not say anything further about. I only wish to add that if I said anything seemingly disrespectful to the Committee when referring to it before I did not mean it in that way.

31. *Mr. Alison.*] You said that if, before the Bill was brought down, the unions had been consulted, there would have been a different Bill?—Yes.

32. Do you consider that the Government should consult the labour unions of the colony before bringing in any labour legislation?—My view is this: that in the suggestion made by the late Premier to bring representatives of the employers and the workers' unions together to confer on the whole position of this industrial legislation there was an element of wisdom. The lines on which it was suggested were rather loose, but I think it should have been done in the case of the amendment of the Industrial Conciliation and Arbitration Act of the present time. At the present time we cannot get a comprehensive idea of what the Waterside Federation as a whole wants. The Auckland Union says it is entirely in accord with the manifesto we issued, the Greymouth Union takes a slightly different view, and the Napier Union simply sends along a communication to me stating that they regard the Bill as a Tory Bill, so that I have not got the full strength of the position yet.

33. But do you think the Minister of Labour, before bringing down a Labour Bill, should confer with the labour unions of the colony on the questions involved in the Bill?—Yes.

34. And he should consult with the employers, too?—Yes; it would be better if he could consult with the two together.

35. You say that sometimes the employers penalise and sometimes sweeten the union employees in their employment?—Yes.

36. Does not that go to show that in the employment of the workers they do not distinguish to the detriment of officials?—No; it shows that they distinguish with great care. If a man can be bought over they will buy him; if not, they will knock him down.

37. Can the men be generally bought over in that way?—Some of them have been.

38. You use the word "bought"?—I do not use it in any offensive sense.

39. Then in what sense?—If a man is in casual employment on the wharf, and has a wife and children to keep, and is offered by, say, the Wellington Harbour Board a good billet on the permanent staff and takes it, he is to all intents and purposes bought over as far as the effect on the union is concerned. It might be considered perfectly legitimate—as a pure matter of business.

40. Do you not consider it right that the Harbour Board or any other employer should employ the best men for their work?—Yes, quite so, but I am considering the effect on the organization.

41. Do they take that into consideration?—No, but the workers do.

42. You seem to be strongly opposed to the Industrial Councils set up by the Bill, and in favour of the Conciliation Boards?—Yes.

43. To your knowledge, have the Conciliation Boards been successful in settling industrial disputes?—They have been successful in settling a good deal of the matter in connection with the disputes.

44. How many disputes have been settled by the Boards, say, during the last three years?—That I am not in a position to say, because it is complicated in this way: From the time of the amending Act giving one of the parties power to take the case on to the Court the power was taken from the Boards to settle the disputes. So, if you put it on the basis of what they have settled, I would point out that the Act, as amended, has taken the power out of their hands.

45. *The Chairman.*] The intervention of the Willis clause has militated against the Boards, and your giving any sufficient answer?—Yes.

46. *Mr. Alison.*] It has not taken away the power to adjudicate, but given the right to either party to the dispute to go direct to the Arbitration Court?—Yes.

47. Are you opposed to that?—Yes, decidedly.

48. Do you appear before the Conciliation Board or Arbitration Court in industrial disputes?—Yes, I have appeared on one or two occasions.

49. And for other unions?—Yes, occasionally.

50. You said that the Bill tended towards the degradation of the unions?—I said clause 47 did.

51. In what respect?—Because it will obliterate any distinction between unionists and non-unionists, and will practically create a system of free-labourism; and I believe the effect will be found to be this: that in a short time the spirit of unionism will go outside the boundaries of this Act and start off in another direction.

52. Now, in reference to the enforcement of awards: you seem to think there should be no imprisonment provided for either the worker or the employer in the case of a breach of an award?—Yes.

53. Do you consider that should apply to both?—Yes.

54. Supposing an employer failed to comply with an order of the Court in the case of a breach of award and evaded payment of a fine, do you consider the employer should be subject to imprisonment?—I do not think he should.

55. Under no circumstances should there be any imprisonment?—No.

56. Do you consider that every worker who commits a breach of an award should be penalised as well as the employer?—Yes, I believe the fine should stand in the case of a worker just as much as in the case of the employer.

57. Still, you consider the fine should not attach to his wage?—Certainly not.

58. How should it attach?—It should attach to his property, the same as in the case of the employer.

59. And if he has no property?—Well, you cannot take the breeks of a Hielander.

60. Then the worker and the employer, if they have no property, should go scot-free?—Yes. There are many cases besides, in general law, where fines cannot be enforced.

61. *Hon. Mr. Millar.*] Do you approve of conciliation?—Yes.

62. Then you do not think that in the first instance the men most likely to conciliate are those engaged in the industry affected?—Yes. They have the power at the present time.

63. Then, if you believe that, what is your objection to the Industrial Councils?—The objection is this: that, generally speaking, a conference with the employers is asked for, but in most cases the time for conciliation is gone past when they have to go to adjudication.

64. In how many cases is the conference asked for with the *bona fide* idea of having conciliation?—Well, I believe, in a large number of cases so far as the workers' unions are concerned.

65. Would you be surprised to learn that the Chairmen of the Conciliation Boards say there is no chance of conciliation under present conditions?—I do not know what their ground for saying that is.

66. You will not be surprised if you see that given in evidence before this Committee: that under present conditions there is no chance for conciliation?—Under the law as it now stands there is not much chance of conciliation—I will agree with that.

67. Do you think there is any chance of conciliation so long as professional advocates on both sides, who do not belong to the trade affected at all, appear for the parties concerned? I am not talking about paid men, but men who go from Court to Court and from Board to Board appearing as advocates in the specific cases: is not that the case?—Yes.

68. Do you think that so long as that goes on there is any chance of conciliation?—Yes.

69. You think so?—Yes, to a limited extent. There are cases where it is absolutely impossible for the unions to draw men from any other source than outside themselves.

70. What caused the Willis Blot to be put in the Arbitration Act?—As far as I could judge, it was the ridicule that was cast on the Boards.

71. I think you might go a little further and say it was through the objectionable scenes that occurred on the Board, and which created a public feeling against it?—There were certainly individuals on the Board who, in my judgment, had no proper grasp of their duties.

72. *The Chairman.*] What Board do you refer to?—The Wellington Board. It would necessarily take some time for men dealing with a new law, and who had no knowledge of formal procedure or anything of that nature, to settle down to an understanding of their functions. The procedure of the Board, as I pointed out in my evidence, was left to the judgment of the members themselves, without regulation, and in my opinion that was wrong.

73. The Board had been in existence six or seven years before the amendment was made. The Act came into force in 1895, and the Willis Blot came in in 1901?—Yes.

74. You take exception to clauses 22 to 30, "Enforcement of Awards"; you said they were all involved clauses with the word "fine" all through them. I want to get at this matter specifically: a fine is a penalty for a breach of the law—is not that so?—Yes.

75. In every Court where penalties are inflicted the penalty is enforced by either payment or imprisonment?—Yes, within limits; but I do not think a fine of this nature should be enforced by imprisonment.

76. You want this particular class of offence treated differently from others, and dealt with by itself?—Yes.

77. Then the married man who commits a breach and has goods to distrain on will have to pay, while the single man will be allowed to run scot-free?—It does not affect the position, to my mind, because the married man, as a rule, has not more property than the single man.

78. Take the average mechanic working in this colony—the married man: how many of them have not property? Do you think there are 10 per cent. of them who have not?—Yes, a great deal more than that.

79. Where a breach is committed by a union, you approve of the married man who has property to distrain upon being compelled to pay the fine, while the other man, who has not paid any more money into the union, and has received similar advantages, should be allowed to walk side by side with the married man and get off scot-free?—Yes, because the only alternative is the attachment of his wages.

80. It is not the attachment of wages at all, it is the enforcement of a penalty due to the Crown?—It is an attachment of wages by the Crown.

81. Then the only other alternative the Crown has is imprisonment. Do you desire that?—No.

82. There is no other alternative?—You cannot deal with the single man in any other way. Take the slaughtermen: how have you been able to deal with them? Some of them are not in the country.

83. I am dealing with them in this Act, and they will not come back to this country unless they pay. Do you think it is just that married men in this country, who are spending their wages week after week and month after month, and paying a large proportion of the taxation of the country, should be compelled to go on paying their fines, while men from Australia should pay nothing? Do you call that justice?—No.

84. Well, how am I to get at those men?—There is one way of getting at them—that is, by empowering the unions to collect the fines. It is the unions of workers who are injured.

85. Do you recommend that I should take it off the members and put it on the unions?—Not in all cases.

86. If it is suggested that where a penalty is inflicted on a member of a union the union itself should deal with him, I shall be willing to amend the Bill in that direction?—That would be better than any system of imprisonment.

87. I am quite willing to delete the provision for imprisonment and make the union responsible so long as we can enforce the penalty inflicted on every person on whom it is imposed?—The unions to have power over all the workers engaged in the industry—the unions to have statutory preference to unionists?

88. They will never get that?—I recognise it is a most difficult problem to solve, either for the Legislature or ourselves as trade-union officers; but I hold strongly that the opening of safety is not on the lines of fines or legal coercion at all.

89. Still you want statutory preference to unionists: is that not legal coercion?—No, it is legal compensation for that which the organized workers have given up.

90. It is legal coercion for men to be compelled to join a union?—No, if I give up the right of free contract, together with my fellows, then I have a right to something by way of compensation.

91. It is a voluntary contract: the law does not compel you to be a unionist at all?—The law tells us to refrain from the use of methods of free contract.

92. Having entered on new conditions, the law leaves you free to go outside of the Act?—The law leaves us free to be completely at the mercy of the employing class, or, in the alternative, to have our combinations and give up the right of free contract.

93. It gives you the right to remain outside?—In the case of the slaughtermen they took the line of free contract. They said in effect, "The market is suitable for a rise"—just as the merchants might say—"and we are going to 'bear' the market," and they did. If the workers in their combinations give up that right they ask for something by way of compensation.

94. The compensation is granted you by giving you the machinery to settle your disputes, which otherwise could only be settled under the system of free contract?—That is only compensation for the workers *per se*—as workers individually, not as workers in combination.

95. The unionist has always been talking about the worker who is too mean to pay his fair share of the cost, while at the same time he is getting all the benefits of unionism, and that is why clause 47 is in the Bill?—But you know you cannot make a man a unionist by compelling him to pay a shilling a month.

96. You said the unions do not want the money under clause 47: I suppose you admit that they go on summoning their own members for non-payment of fees?—Not a very large proportion.

97. What do they do that for, vindictiveness against the man, or to get the contribution?—They do it not merely because the man is withholding the payment, but because he is attacking the organization. If I had on my books of the Wellington Wharf Labourers' Union all the men who have joined and fallen back in arrears, there would be three or four thousand members.

98. You are looking at the matter from a narrow point of view—from the Wharf Labourers' Union point of view?—Yes, from the Wharf Labourers' point of view, but not that alone.

99. Could the fees be collected in coal-mines?—In some instances they have very little difficulty in collecting from the men now. I have some personal knowledge of boot-factories, where they have no difficulty in keeping the men as unionists and collecting arrears, but the main thing is that they want the men in the union.

100. If a man goes into a shop as a worker, does not the secretary of the union give him notice and collect his contributions?—That is not the vital thing.

101. Amongst the nomadic class it would be difficult to collect the contributions, but in the case of permanent workers it would be easy?—Yes, in some cases of permanent workers, but not in all.

102. *Mr. Ell.*] If a worker conspires with an employer to receive less than the amount of wages fixed by the Court, what do you do with that man?—Well, I should punish him for conspiracy if it could be proved. I think there should be special punishment for conspiracy.

103. What do you do with that man now—do you not fine him?—Yes, if he is a party to the breach. We have one or two cases now in our union—the Wharf Labourers'—where the men are just as guilty as the employer, but owing to the construction of the award the onus does not rest on the man.

104. But a man has been and can be fined for conspiring with his employer to break an award—that is, agreeing to accept less than the award provides?—Yes.

105. The law provides for his punishment by way of fine?—Yes.

106. Is not that just?—Yes, it is just that there should be equality in the matter.

107. He does a great wrong to his fellow-men?—Yes.

108. If a man with a family and home is fined you can distrain on his furniture—that is what you say?—Yes, and I also say there is scarcely ever any reason for it. I think we are straining points.

109. Now, come to the case of the single man who is in board and lodging at, say, £1 a week, and who has a couple of suits of clothes in a box, but with nothing to distrain upon—he can get off scot-free?—No; make special provision to exclude him from getting employment.

110. How are you going to do that—to say that a man shall not have an opportunity to earn his bread?—That is what the unions did before this Act came into existence. The man who was a scab or a blackleg, until he became a man, was an outlaw.

111. I see that the Act, according to a return which will be laid on the table of the House this session, has had the effect of materially increasing the wages of working-men generally who have come under an award: you admit that?—No, I do not admit that. I have not seen the return.

112. I have?—I do not deal with matter I have not seen.

113. Has the Act been of advantage to the worker of New Zealand?—That is a deep question.

114. You are in doubt about that?—I am in doubt as to whether the conditions of living would not have been better if the Act had not come into existence, if economic conditions had been the same as they are at present. Wages is a question on which there can be much debate. Nominal wages is one thing, real wages is another.

115. Five years ago the butchers in Christchurch—I worked at the trade, and know what it is—had an award made fixing the minimum wage at £2 10s., and for a first-class shopman £3 10s. a week. Five years ago the cost of living in Christchurch was the same as it is now. Who got the difference between the wages then paid and now?—What were the wages five years ago?

116. From £1 10s. to £2 5s.; now every man gets at least £2 10s. There is a difference of 40 per cent. in the wages. If the cost of living did not go up, who got the difference in the value of the wages?—I should have to inquire into the conditions before answering that question. I think the cost of living has gone up in this town.

117. Has the price of food gone up?—I am not going into fine points about the cost of living.

118. Can you form any rough estimate?—No, it is too big a question.

119. *The Chairman.*] Are you of opinion that, before this Bill had been introduced, any good would have come from a conference, if called under the ægis of the Government, between the employers and employees generally?—Yes.

120. And the placing on the table the whole of the legislation dealing with this question of arbitration and conciliation?—Yes, I think it would have effected good.

121. *Hon. Mr. Millar.*] You said that I should have submitted this Bill to the Employers' Federation and to the workers' unions before I went on with it?—Yes.

122. You hold a conference annually, do you not?—Yes.

123. And the employers do the same?—Yes.

124. And when I take out the good things in the reports and incorporate them in a Bill, am I not trying to meet the position?—Yes, but my suggestion is that the parties who have to live

under this proposed legislation—the employers and the unions—have never come together and presented their suggestions. We are stumbling over one another because we do not meet.

125. Do you think any good could be effected if the Government brought about a meeting between the employers' representatives and the workers' representatives?—Yes.

126. Do you think they could consider some of the questions together and come to a joint understanding?—Yes.

FRIDAY, 4TH OCTOBER, 1907.

THOMAS BEADEL examined. (No. 17.)

1. *The Chairman.*] What is your position?—Manager for Mr. R. H. Rhodes, M.H.R.

2. Where?—Otahuna, Taitapu.

3. Do you know anything about this letter? [letter produced]—The letter is about the discharging of Mr. Philpott, president of the Farm Labourers' Union. Of course, I deny that he was discharged for anything like that stated in the letter.

4. *Mr. Hardy.*] You mean to say that he was not discharged for the reason alleged?—Yes. He had not suited me for some time. He had not gone on with his work satisfactorily, and I decided some time ago to get rid of him, and told him I would not want him.

5. Did you know that he belonged to the Farm Labourers' Union?—When I spoke to him first about it I did not.

6. How long did he remain in your employ after you said that to him?—About two months or more. We had a disagreement about the mustering of sheep, and I said I would have a change. He was quite agreeable to go, and in the meantime he looked for another job for himself.

7. Was anything said by you at all about the Farm Labourers' Union, or anything of that kind?—No, we never mentioned it.

8. By any of you?—No; in fact, as far as belonging to the union is concerned, there has been nothing said about it at all.

9. You have had no difficulty with any of the men about belonging to it?—No, I never took any notice of it.

10. You deny the statement made before this Committee that Philpott was dropped because he was connected with the Farm Labourers' Union?—Yes, that is correct.

11. Is there anything more you wish to say to us?—Only to show that there is no animosity in the matter; his son is still employed on the estate, and I also bought Philpott's stock which he had on his small paddock. He used to keep three head of cattle on the estate.

12. He did not make any protest when he dropped out of your service?—Not to me personally. I do not know what he may have said outside.

13. Was it within Mr. Rhodes's knowledge that this man was dismissed?—I told Mr. Rhodes I was going to dismiss him some time ago.

14. For what reason, did you tell him?—That he did not suit me at all—he did not do the work to my satisfaction. He seemed to be quite agreeable that he should go, and I thought I would get rid of him.

15. You did not know at the time that Philpott was a member of the union?—No.

16. You do not know much about the union yourself, I suppose?—No, I do not bother with it at all.

17. It has made no difference to your men?—No.

18. You have no feeling with regard to unions?—Not a bit.

19. Do you think it is reasonable that men should bind themselves together for the purpose of protecting their own interests?—Yes.

20. How long have you worked for Mr. Rhodes?—About twelve years.

21. Do you think Mr. Rhodes would object to any of his men belonging to a union?—I am sure he would not.

22. All he wants is that a man shall do his work to his satisfaction?—Yes.

23. And what happens if he does not?—He will get some one else.

24. You say you have this man's boy in your employment?—Yes.

25. Are you on good terms with the other men?—Yes.

26. Is there any reason for saying that you dismissed Philpott because you were angry with him for joining the union?—Not the slightest.

27. His boy is working where?—In the garden.

28. And so long as he does his work he can remain there?—Yes.

29. You also said you had some transactions with Philpott?—Yes, I bought three head of cattle from him that he had running on the estate in a small paddock.

30. So far as you are concerned, as manager for Mr. Rhodes, you know nothing about the working of the Taitapu Branch of the Farm Labourers' Union?—No.

31. And the fact of a meeting having been held there did not cause you to dispense with this man's services?—I never heard of the meeting.

32. Where was Mr. Rhodes at the time?—Over in Australia.

33. So he knew nothing about it?—No; but I told him about Philpott's work some time previously.

34. You had the power to dismiss him?—Yes.

Christchurch, 7th October, 1907.

(Telegram.)

WISH to supplement my evidence last Friday by stating have not replaced man discharged.

T. BEADEL.

W. Tanner, M.H.R., Wellington.

GEORGE HENRY BLACKWELL examined. (No. 18.)

1. *The Chairman.*] What are you, Mr. Blackwell?—Chairman of directors of the Kaiapoi Woollen Company, North Canterbury.

2. May I ask on whose behalf you attend?—On the company's behalf.

3. Have you seen this Bill?—Only quite recently.

4. Have you considered it in any way?—Yes. I have gone through it once or twice. I have not had the opportunity I usually have of studying Bills, because hitherto I had a copy of everything sent forward by the Minister of Labour. I understand that a new rule has been instituted, and I did not get a copy of this Bill until I borrowed one in Christchurch.

5. But have not the bulk of its provisions appeared in the newspapers?—I have not noticed that.

6. Will you tell us what you think of the Bill?—I think that on the whole it is a very good Bill, and goes in the direction of improving the existing law. I think that is so. I do not mean to say but that I think I can persuade this Committee to improve it a little further, from a few suggestions that I have to make. I took a few notes of the different clauses of the Bill, and thought I might suggest something, at any rate, that would enable the Committee to look carefully at them.

7. Will you point out what you think worthy of notice?—The first clause that appears to me to present considerable difficulty is clause 5.

8. The clause dealing with Industrial Councils?—Yes. The Councils, of course, I heartily approve of. I strongly supported this suggestion from the Canterbury Employers' Association in years past, and the principle I approve of. I think we may reasonably expect a more intelligent decision to be given where the men who are hearing the case have a knowledge of the trade in which the dispute occurs. But, admitting that, I think probably there would be a difficulty with regard to the election of the President of the Council; and I would suggest that the power you reserve in the case of a difficulty should be the only means of appointing the President of the Council. I think a permanent President should be appointed by the Government.

9. And not elected by the other members?—And not elected by the others. You can easily see what would happen if three voted one way and three the other way. Practically a deadlock would occur, and the Government would then have to exercise the power which they have reserved for an emergency of that nature. But the principle of the Councils I heartily approve of, and think it a very wise provision. The next clause that I thought required some consideration was clause 10. I think the first subsection of clause 10 requires some little qualifying. It reads, "The presence of the President and at least four other members of an Industrial Council shall be necessary to constitute a sitting of the Council." I think you want a proportionate representation of each side.

10. In case of any diminished attendance, the attendance should be equal from each side?—Yes. There might be three workers and one employer, or three employers and one worker, in which case the one would be at a disadvantage. I do not think it was contemplated in the amendment to have that state of things brought about. I think that if a safeguard of the nature I suggest were inserted it would improve the clause. Both sides should be equal on the Council. Then, my next point is with regard to clause 18. I think the award should not be enforced until the result of the appeal is made known. I am quite sure that if the Committee are at all cognisant of the demoralising effect of carrying out alterations in factories where there are hundreds of workers, they would not be in a hurry to change anything when there might be a prospect of having to revert back to the former methods again. I think that in the interests of both employers and workers a change should not take effect until the appeal has been heard and an award given by the Court. Then, I fear that clause 22, if allowed to remain in its present state, will probably bring about a conflict of awards in connection with our disputes. That is not at all desirable. I think there ought to be as far as possible uniformity in the awards given throughout the colony, and I think that the Arbitration Court, which has heard all the facts of the case—and a great deal of detail knowledge is involved which is only brought out before the Arbitration Court—is the only Court that ought to have jurisdiction to hear cases of breach of award. I need not detain the Committee to tell them that very often we are cited before the Court on altogether insufficient grounds, and if we have to appear before a Magistrate, who has not the detailed knowledge of the facts of the dispute, well, I am afraid there will be clashing of the awards in the different places, which I do not think is at all desirable. Very often some minor point in connection with which evidence was given has a very important bearing on a large industry. I remember that when the Court was sitting in Christchurch some hundreds of points—I forget how many—were involved in the tailors' dispute, and the Court said distinctly, "You cannot expect us to go through all these points and give an intelligent judgment upon them. You must elect representatives from both sides to go through the claims and submit their report, and then the Court will consider it." Well, what are apparently minor points involve very great issues in large concerns, and I think that the Magistrate, not having heard the case, is not the proper authority to decide whether a breach of the award has been committed or not. Then, clause 25, I think, wants defining a little more. "Every order imposing a fine shall specify the parties or persons liable to pay the same, and the parties or persons to whom the same is payable." "The parties or persons to whom the fine is payable" ought, in my judgment, to be the Government every time—neither the workers nor the employers, but the Government.

11. That would come in the next clause, would it not—clause 26?—Clause 26 gives the Magistrate discretion in the matter.

12. You would not give him discretion?—I would not give any one discretion. I would make the fine payable to the Government. I think that would probably avoid some of the appeals that are made to the Court. I need not go any further into detail than that, I think. Sometimes

the remark is made that appeals are made for the sake of the fines that may be inflicted. That, I think, would be avoided if in each case the fine was paid into the Consolidated Fund. I do not know whether this could be brought in with that clause or not, but I think there is a clause in the principal Act which provides a scale of payment for different ages of the workers.

13. Is that not in the Factories Act?—I think it is. If any words could be embodied here throwing the onus of applying for a rise on the worker, it would be a good step. Each worker knows best when his own birthday arrives, and can reasonably be expected to make the fact known to the manager. At present the whole responsibility is thrown upon the employer. In our own case it has happened several times that a rise was due, but that we unwittingly had not given it. We have refunded, of course, when we have found that the worker was entitled to the money. In one or two cases a very considerable sum of money was involved.

14. Does not the juvenile worker generally produce proof of age when going into the factory?—Yes, when first going in; but if you have hundreds of people working you cannot recollect each one's birthday.

15. But do you not keep a record?—Yes, we do now. I think that immediately the worker is entitled to an advance he ought to apply for it before any other step can be taken. I think that would be a reasonable provision, and one which would prevent a good many of the cases that are now brought before the Court.

16. You mean that the employer should not be allowed to go on for two or three months, and the first intimation be a case of breach of award?—That is so. I think that the least the worker, who knows his own birthday perfectly well, could be expected to do would be to say, "I am seventeen years old," or eighteen, as the case may be, "and am entitled to a rise." Then, any fair-minded employer would verify that and grant the rise, instead of having to be cited. Clause 30, I think, is calculated entirely to destroy the conciliatory spirit that ought to exist between employer and worker. Every member of the Committee will see at once what relations would probably exist between a worker and an employer who was compelled to deduct weekly a proportion of the fine from the worker's wages. I think that if it is a fine and has been properly made, and is the result of a judgment of the Court or the Magistrate, as the case may be, it ought to be recoverable by civil process. The employer will be placed at a great disadvantage if he is to be constituted an officer for collecting the fines which may be imposed under the Act. I am throwing out the whole of these suggestions with the object of making the Bill a little more workable, and not at all in an antagonistic spirit. I am just suggesting what I think would make a considerable improvement in the Bill. Then, under clause 45, following out the idea that I have just hinted at to you, I think the time allowed there should be one month, and that that should only be reckoned from the date of application by the worker. That would protect the employer without imposing any additional burden at all upon the worker. And it appears to me that probably, in connection with clause 45, some provision should be made for making them both responsible. In any case, the time should be limited to one month instead of three, and should be counted from the time of application for an increase. If the worker applies for the increase, I believe that in ninety-five cases out of a hundred it would be granted. If it is not granted, then by all means proceed against the employer as rigorously as you like. Clause 47 carries my mind back to the experience we had in 1890, when the strike was about. We had a strike in our own establishment, because our board would not compel a number of workers who had not joined the union to become members of that union. Our company has always been favourable to unionism, and, I believe, has treated unionism as well as any firm in the colony has; but we did not like to be placed in the position of compelling people to join a union against their will. I pointed this out to the leaders at the time, and I said, "We have not the slightest objection to your making your union popular, so that every worker will want to join, but we decline to compel every one to join." I think that, to the interests of unionism itself, probably clause 47 will be a very serious blow. If the large mass of workers in the colony who at present are not registered in any union are to be compelled to register, it will create a feeling against unionism that will probably throw it back. Then, with regard to clause 49, there does not appear to be any option at all. May I just elucidate my point by stating what our experience has been with regard to apprenticeship? We have from time to time had workers coming in who were prepared to come to work for nothing if they could be taught costume-making. We have never taken that stand, as members of the Committee will know, from the beginning. We have always paid a salary. But we frequently have young people above the age of twenty-one coming in anxious to learn the costume-making, for instance. They are prepared to take up an apprenticeship and to pay for it. But under this clause they will be debarred from coming in. It may work in a direction that I think it was not intended it should work in. Whether any provision could be made for a case of that nature I do not know. I may say that we are glad to have applications from any workers; we have wanted them for a long time—all that we could get; but in the case of those who leave service or some other occupation with a view to learning costume-making, or any other branch of our factory-work, they are precluded from coming on, in the first instance, under the apprentice payment, though they are quite prepared to do so. Then, in clause 50, I think the existing rule should be continued. I think a permit should be given by the Chairman of the Industrial Council—I suppose it would be him in this case.

Hon. Mr. Millar: There is none under this Bill.

Witness: But you can elect him.

Hon. Mr. Millar: He ceases to exist when the Council gives a recommendation.

The Chairman: There is a separate chairman for every dispute.

Witness: I think some provision should be made to meet that case. I may mention here that application has been made for permits, and they have been declined; and we have referred to the Chairman of the Conciliation Board, and the permits have been granted at once where it was reasonable they should be given.

Hon. Mr. Millar: The Inspector of Factories takes the place of the Chairman of the Conciliation Board. He has to do exactly the same thing—to notify the employer and the union to meet him before he can grant the permit.

Witness: But he can grant it or refuse it.

Hon. Mr. Millar: So can the Chairman of the Conciliation Board.

Witness: Quite so. I indicated just now that we had a case where a permit was refused, but was granted afterwards.

17. *The Chairman.*] It is in the Chairman's absolute discretion, is it not?—Yes.

18. You said you would not give discretion to a Magistrate in another case: would you in this case?—If it is a case of permit—if it is not a case of breach of award. There may be some particular reason, though I do not care to state what reason may appear to me. An Inspector may be disposed—no, I will not say it; but you know at the same time, at least you are conscious, that influence has been brought to bear on the Inspector to prevent him from granting the permit.

19. Do you think the Inspectors are liable to influences?—Oh, I think so. Good ones, I think ——

20. Anyhow, you think this provision an undesirable one?—I think some provision should be made for an independent person or authority to grant permits. The Inspector, I presume, would have an opportunity of opposing the application if he so desired.

21. Who would you suggest as the independent authority?—I do not know, I am sure.

22. *Hon. Mr. Millar.*] A Magistrate?—Yes, a Magistrate would do, as far as I know; but it should be an independent authority; and we quite approve of the Inspector opposing the application if he thinks it is not reasonable. Then, with regard to clause 53, I think I can suggest an improvement in that. I think that if you were to insert after "he has been" the words "during the previous twelve months," those two or three words would materially improve the clause, or else strike out "has been" altogether. The principle of this clause is the correct one; there is no doubt at all about it, and I speak with knowledge of the fact that if this provision had been law some years ago a great deal of the trouble that has arisen would have been obviated, and the usefulness of the Arbitration Act would not have been so heavily discounted as it has been. I think the clause itself is an excellent one, but I think that, strictly speaking, if a man is concerned in the dispute he ought to be engaged in the trade in which the dispute occurs. I can easily see that this "has been" would open the door for a generation back. A man may have been out of the union or out of the trade sufficiently long to have lost all knowledge of the details of the thing, and yet he may take part and foment a dispute under quite different conditions. If you could not see your way to strike out "has been" altogether, I would suggest that a reasonable time to insert, at any rate, would be twelve months. If a man has been out of the business for twelve months he does not know what changes have taken place. I think that, in the interests of unionism itself, that clause is practically the best clause in the Bill. I dare say most of you are aware that we have had a fair amount of trouble with regard to the Act, and we can easily trace the greater proportion of our trouble to causes that would have been obviated if this clause had been in operation. Under our award we have a committee appointed. We have never had a difficulty with our own workpeople, when the committee has met in the absence of the secretary of the union; but every time he has been there we have had difficulty and trouble. The official of the union, who is not employed in the trade at all, was the cause of our being cited before the Arbitration Court the other day, and the Inspector suffered badly, of course. He was wrongly advised, and the action of this official was entirely repudiated by the executive of his own union. On his own initiative he had taken steps to have us cited over a matter that was provided for in the award itself.

23. *The Chairman.*] But if you came out all right, what are you complaining of?—Well, we do not like being cited to appear before a public Court when there is no reason for it whatever. As a matter of fact, when we have been cited, the other side have generally bumped their heads. The conditions under which the workers work and the pay and all that are embodied in the award, and are the highest commendation, as far as our company is concerned at any rate, that I ever saw from any Court.

24. Is yours an involved or complicated award, that there should be room for any dispute—an award running into many details?—No; as far as the mill is concerned, we are under a different award—there is one for the mill hands and another for the tailoresses—and there are a good few details in the former. The Court themselves occupied two whole days in going through the mill and making inquiries and finding out all that they could. I suppose the Committee have seen the award. It would be in the *Labour Journal*, I suppose.

25. A copy of the award is posted up on the premises, is it not?—I really could not tell you now. I have a copy here if the Committee would like to see it.

26. I do not think we need go into the details: we are dealing, as far as possible, with general principles. Are there any other clauses you would like to call attention to?—I think that brings me to the end of the suggestions with regard to the clauses.

27. You claim to have had considerable experience of the operation of the Act of 1894, and its various amendments, since its inception?—Yes.

28. Will you give us your opinion of the Conciliation Board and its work in its earliest stages?—We had not much to do with the Conciliation Board.

29. You never appeared much before the Conciliation Board?—No; it has been mainly the Arbitration Court.

30. You are aware, of course, that a few years ago provision was made by which, when a case had been lodged with the Board, it could be immediately passed on to the Court?—Yes. It was generally done, and—I am speaking now from memory—the case was never really fully gone into before the Board, because there seemed to be a determination to remit the matter to the Court.

31. You say there seemed to be a determination to ultimately remit to the Arbitration Court: was that common to both sides?—I think so, yes, as far as my observation goes.

32. Did that constitute the weakness of the Conciliation Boards?—Yes; they had no ultimate power of settling disputes.

33. Do you think, then, that an Industrial Council, which could give a decision and immediately put it in force, would be superior to the old Conciliation Board?—I think the right of appeal ——

34. Oh, there is the right of appeal?—Yes, it is embodied here; but I think the award should not be put in force until the appeal has been heard. Anything that unsettles the working of a large industry has disastrous effects.

35. Then, in that case, does not the Industrial Council come practically into the position of the Conciliation Board?—There is this difference: that the Council would be composed of men who knew the business under consideration.

36. But there would always be the right of either party to appeal?—So there would. I think there would be a greater degree of satisfaction with the Industrial Councils than with the Boards, for the simple reason that the men who were hearing the case would have a knowledge of the trade, and those concerned would be better satisfied of receiving justice at the hands of men who knew their business than at the hands of men who did not.

37. Does that mean that the Conciliation Boards in former years failed through ignorance?—Yes; they had not the confidence of the public.

38. *Hon. Mr. Millar.*] You know that there have been very great delays in dealing with cases of breach of award through taking them all to the Court of Arbitration?—Yes.

39. You do not think it is advisable, where a breach has taken place, that a period of five or six months should elapse before the case is heard?—No; but I think that if clause 53 is enacted you will not have so many cases before the Court, and the Court will be able to overtake the work very much better.

40. Most of the cases of breach of award are matters of fact, are they not?—Yes.

41. A Magistrate is able to deal with a matter of fact?—Not always; they are not always matters of fact.

42. Where a case is not a matter of fact, the Magistrate has power under clause 23 to send the matter on to the Court of Arbitration for definition?—With regard to this question of definition, I am sure you will know all the detail work there is in connection with, say, the tailoresses' log, the amount of knowledge that is required for one to understand what may appear to be an insignificant point, and what effect it might have on the general working of a factory; and a Magistrate, who has never heard the case and never gone into the evidence at all, cannot be expected, in my judgment, to give as good a decision as the Court itself which heard the whole of the facts and made its award accordingly.

43. The object is to prevent this friction which constantly arises from the undue delay that takes place?—Yes; it is very desirable that that should be remedied, and my own opinion is that by your clause 53, if you will amend it as I suggest, you will relieve the congestion of work very materially.

44. We will come to clause 53 now, seeing that you have mentioned it. You are quite aware that when a man is appointed secretary of a union—I am talking of a permanent secretary now—he ceases to be in the industry?—No.

45. When he ceases to be employed by any employer in that industry he ceases to be in that industry?—Yes.

46. Then, the words "has been" must be there to cover a practical man being appointed secretary of the union. If you struck out the words "has been" you would practically debar any person from being the secretary of a union unless he was actually at work daily in the trade. Take the large unions here who employ permanent secretaries, who do not work at all except for the union, they would be actually debarred from having any man as a secretary unless he was daily employed in the industry?—He should be employed in the industry.

47. He is employed by the union?—If the whole of his services are taken up by the union he cannot be employed in the industry. In that case, I think rightly, he should be debarred from taking office in the union.

48. You would have no such thing as a paid secretary of a union at all?—I have a better opinion of the workers than you have, apparently. I think there are plenty of capable, intelligent men among the workers who are perfectly able to manage the affairs of their union. If they confine their attention to their own union they can do so and still follow their occupation.

49. It is impossible in the case of a large union. Take, for instance, your own woollen-mill. Suppose a man were engaged there and was secretary of the union. He is working daily for you, and he hears that there is a dispute in Timaru, and he has to leave your mill to go down to Timaru. How long would you stand that sort of thing?—Of course, that is an extreme case.

50. No?—In any case we have never discriminated against any one being in the union, and we never should.

51. We will take a bootmaker's factory in town, or a clothing-factory, and there are seven or eight clothing-factories in Christchurch. The secretary of the union is employed by you in your particular factory. He is sent for to go and look after the interests of some member of the union in some other factory, and he might have to go out two or three times a day from your business. Do you think that would be right?—In that case, of course, they would have a sort of special officer in Timaru or in Ashburton, as the case may be. I mention those places because, as far as the woollen-mills are concerned, there are only three in Canterbury, and by having an under-secretary or something of that sort in the various localities they could work together. In either case, if it were in the interests of the union, we should do as we did quite recently in the case of a party who, I understand, came up to give evidence before this Committee. He asked for permission to go, and when he stated distinctly that it was in the interests of the union he got permission at once to go.

52. That is not the point I am getting at. Here is a man in the pay of two parties. A union with three or four hundred members pays a secretary. If we knocked out the words "has been," as you say, that secretary would have to be in the employ of somebody in that industry. Who is he going to serve, the man who is paying him his daily wage, or the union?—I confess I do not know. I suppose there are cases of that nature.

53. There are plenty of unions that have paid secretaries who do nothing else but the union work. Take the seamen, for instance—they have a paid secretary; so have the bootmakers, the wharf labourers, the coal-miners, the timber-mill workers?—I presume that in a case like that they would simply have district secretaries in the different districts.

54. But the man's whole time is taken up in the work of the union?—I do not see much difficulty, I confess, in making that arrangement. I do not know what may be the rule with regard to the Seamen's Union, for instance, but I imagine there would be a district union in the different centres, and if a secretary was appointed in each centre he could look after the work of that centre.

55. The secretary in each centre would have to be at sea if we struck out "has been": he would have to be signed on the ship's articles and be at sea?—There might be difficulties in the case that you quote, but I am quite convinced of this: If you can embody in the proposed Act something in the nature of what I suggest in clause 53 you will vastly improve the Act.

56. At the same time you must give the men room to work their union the same as any company would work its affairs?—Take this case: here is a man who ten years ago was at work in an industry; he is provided for under the Bill. He may have been out of the industry for ten years, and yet be the main cause of all the trouble. The conditions may have altered, and he may know nothing whatever of the trade to which the union belongs, and yet he may agitate.

57. The clause is a great improvement on the present law, under which a man need not have been in the industry at all, is it not?—Yes, but I think that if the provision were made that I spoke of—I can see the difficulty with regard particularly to the seamen—you might exempt them.

58. There are half a dozen others?—Generally speaking, if this principle were carried out, and it was compulsory that the officers of the unions should be men who were working in the industry, then I am quite sure a great deal of the difficulties we have had would be abolished.

59. You object to clause 30: what proposal do you make to enable the Crown to recover a penalty from the men who will not pay?—Let it be done by civil process.

60. That would mean that you could distrain upon the married man who had something to distrain upon, but the single man who has got nothing you could not distrain on?—I suppose a Magistrate's Court rules would apply just the same in this case.

61. That is, imprisonment?—Either payment or imprisonment.

62. I am trying to get out of imprisonment?—It is not pleasant, but sometimes it is necessary in order to make a man pay.

63. You are compelled to do it just now under the Wages Attachment Act?—Where you have a large number of parties, if a fine is inflicted I do not think it is reasonable to ask the employer to be responsible for the payment of that fine and to deduct it from the men's wages.

64. He would not do it until he got notice?—It does not matter; you are placing the responsibility on him. I think that civil process ought to be relied on to recover that debt, the same as any other. The fine, I presume, is practically equal to a fine in a Magistrate's Court, when the ordinary process of collecting is followed, and I think that process should be followed in this case, so as not to engender friction between employer and employee, as would be the case to a very large extent if you made the employer collect the fine.

65. With regard to clause 47: there is nothing there, is there, that compels the employer to make his people join the union?— . . . . "a demand that the employer or worker on whom such demand is served shall thereafter pay," &c. I am speaking from the employer's point of view, as well as the worker's.

66. I am taking the employer's point of view. If you have an employer's association who pay so-much month by month for the purpose of insuring the conditions of that particular industry, would it not be right that you should pay the same amount for your security and protection as those who are subscribing to the association?—It would probably be the deciding-point in causing me not to join—if I were to be compelled.

67. It would not matter whether you joined or not, but you would have to contribute?—If you have to pay money in, it is the principal part of joining.

68. Is it not right that every person who gets the benefit of an award such as these, where men are paying week by week to keep their union going in order to insure their conditions of living—is it not right that those who reap the benefit of that should be compelled to pay the same amount?—On the face of it, it appears so; but I can easily see that where the vast majority of the workers are not in the union they will not pay. I have in my mind cases of men whom you could send to prison, but they would not join the union.

69. There is no compulsion to join, but they would have to pay?—Then they would go to gaol, I suppose. It appears to me that the lines upon which legislation should go would be to make the unions popular, so that every worker will see that it is to his interest to join and get benefit from joining. We are all selfish enough to see fairly well, I think, what is for our own advantage.

70. Does the non-unionist refuse to accept the awards of the Court which have been obtained by the unionist?—Yes.

71. Are you not under a penalty if you pay him less?—Yes.

72. And so is he if he takes less?—Yes, but I was not looking at that; I was looking at an award which happens to be for a few industries, but not for a community.

73. You say that the age of twenty-one is too young for apprentices: do you think it is right that a man of forty years of age should be allowed to go and apprentice himself to an industry?—No, I do not think any employer would be likely to take a man of that age; but if a boy's father wishes to give him a good opportunity, and keeps him at school till he is sixteen or seventeen, then

in some of the trades where youths are apprenticed for five or six years that would debar him from becoming apprenticed.

74. You cannot do it under the law if they are over nineteen?—Well, amend the present law if you can, and provide for these cases.

75. The Court has held that any person can bind himself to any trade going, irrespective of age, but you cannot bind a person over nineteen legally?—That would affect the case that I referred to. A boy leaves school at sixteen or seventeen, and wishes to be apprenticed to a trade where it will take five or six years. Under this provision he would be debarred from that, however desirable it might be to apprentice him.

76. What age would you suggest?—I confess I do not quite know. Take a boy leaving school at, say, sixteen or seventeen, with the prospect of an apprenticeship of six years.

77. There are very few trades that bind the apprentices for six years?—Well, five years would bring him up to twenty-two. And then there are the cases that really called my attention to that clause more than anything else. We have had applications from young women who were prepared to come to work for nothing—young women who had comfortable homes, but who desired to learn a trade. They are prepared to come as apprentices, but you preclude them.

78. Should they not go to a proper dressmaking school, and not come into competition with those who have to make their living at the calling?—But they want to make their own living.

79. If they have comfortable homes they can surely go to these other places?—When I say that they have comfortable homes I mean that they are not altogether dependent on their weekly wages.

80. They could get all the information they required from the technical classes set up for that purpose?—We have had repeated applications of that nature, but under this clause they could not be bound when they were over twenty-one years of age.

81. *Mr. Alison.*] You are not in favour of the retention of the Conciliation Boards?—No, for the reason I have stated.

82. And, with the amendments which you suggest, you approve of the proposals contained in the Bill for the establishment of Industrial Councils?—Yes.

83. You seem to hold a strong opinion with regard to clause 53: is that because you wish to prevent the labour agitator, who is not a worker really in the particular line, from promoting agitation amongst the workers, simply to gain a secretaryship or a position?—Yes, practically that is it.

84. Are you of opinion that labour agitators who have not been employed in the industry have caused the Arbitration Act to operate in an undesirable way?—It has brought the Act into disrepute, I think. A large amount of the objection to the Act would be removed if that clause were carried into effect.

THOMAS ROBERT LEITHEAD examined. (No. 19.)

85. *The Chairman.*] What are you, Mr. Leithead?—I am the manager of the Kaiapoi Woollen-mills, Kaiapoi.

86. You are manager for the Kaiapoi Woollen Company?—No, I am the mill-manager, not the manager of the warehouse.

87. Have you seen this Bill?—Yes.

88. Will you tell us what you think of it?—I had a few notes, but Mr. Blackwell has gone so thoroughly into the matter that he has covered everything I had to say.

89. Do you indorse Mr. Blackwell's evidence, then?—In most cases. Of course, in some of the points Mr. Blackwell has touched on matters more connected with the tailoring part of our business; that I have nothing to do with. But, as far as his evidence concerned the mill, I indorse what he has said.

90. Is there anything you wish to add to his evidence?—I cannot say there is. With regard to clause 53, of course, I recognise the difficulty in the case of the seamen that the Hon. Mr. Millar raised. As far as coming into contact with our own union at the mill is concerned, our difficulty has been with the secretary, who is not in the employ of the company, and has not been for about six years. Our award provides that all disputes are to be referred to a committee of three persons representing the employers and three representing the union. We have met on a number of occasions, and never, when the secretary has been present, have we been able to get to business at all. The only two occasions when we met to arrange matters connected with new machinery and new rates of pay were once when Mr. Triggs, the Chairman of the Conciliation Board, was present, but the secretary was not present, and we arranged things very pleasantly; and the second time I simply met the representatives of the union in my own office, and the meeting was conducted with the best of feeling—in fact, it was so well conducted that, though the union had omitted one point they had wished to bring forward, I conceded this after the agreement was signed. Personally I am not opposed to the union at all. We have worked together with the utmost harmony. There is no ill feeling of any description. What feeling there is is altogether through the secretary, who is an outsider, attending these meetings. He comes with, I suppose, the information he has received outside; he has no technical knowledge of the thing at all, and when he comes to discuss the matter he cannot move from the information he has got. He gets out of his depth and cannot deal with the technicalities, and will not move from the opinion he first sets forth. When we have our own workers there, men who have a fair knowledge of the ins and outs of the working of the mill, we have no difficulty at all in coming to an arrangement that is suitable to both parties.

91. How do you account for such an attitude, then?—I suppose the man's disposition has a good deal to do with it.

92. Is he not the representative of the union?—He is the secretary.

93. Would he not be previously informed of the wishes of the members and appointed as the agent to carry them out?—Probably he is, but he cannot discuss matters, not having any technical knowledge. He has not been inside the mill for the last five or six years.

94. You think he comes more as a delegate than a representative?—That is it. He cannot discuss matters. When we have our own workers there who do know something about it we can always arrange. The only twice that we have met without him we have arranged matters.

95. Of course, the members of the union are aware of this?—Yes.

96. And do they elect and re-elect him repeatedly?—I believe they do.

97. Does he possess the confidence of the union?—Well, as a matter of fact, I do not think the workers at our mill take a very great interest in the union. Not all of our workers are members of the union. I do not know the exact number on our roll, but there are a big number that do not belong to the union.

98. You approve of Mr. Blackwell's recommendation, then?—Yes. Of course, I can see the difficulty as far as the seamen are concerned.

99. How would it be in the case of a farm labourer: could he perform his actual service on a farm and at the same time carry out the secretarial duties of a large union?—I do not know much about farm labour. I should think there might be difficulties.

100. *Mr. Barber.*] What part of the mill was the secretary of the union engaged in?—He was in the wool-stores, helping to take in the wool during the first few months. In the latter part he was on the drying-machine connected with the scouring.

101. What wages did he get?—During the time he was in the wool-shed I think he got £1 16s. a week. When he was taken on as a permanent hand he received £1 10s., and then £1 13s. That was before the union came into force.

102. Were his services dispensed with because he became associated with the union?—No. His services were dispensed with before the time I became manager of the mill, but he made some damaging statements about the late manager.

103. Evidence was given that he was discharged through intimidation?—That is not true. I can produce, if you wish it, the letters connected with his dismissal. There were statements going round the mill that our company had been receiving a bonus from the Government on imported machinery, and that the then manager had been keeping those bonuses, which should have been handed to the company. He was charged with the statement—I was present at the time, being assistant manager—and was suspended, because the manager thought it was a statement that reflected on the company, and he reported the matter to the chairman of directors. Mr. Revell was written to, and asked to call again at the office to substantiate the statement and to settle the matter. Instead of coming himself, he sent a letter from the lawyers whom he had consulted, and they advised him to have nothing to do with it and not to go near the place any more. I wrote the letter that was sent to him in the last case, and I can produce a copy, stating that as he refused to come to the office to discuss the matter relating to his suspension he must accept dismissal, and his wages were forwarded in lieu of notice. He was not suspended because of his connection with the union. I can produce the letters.

The Chairman: I think it would be well. [Letters put in.]

Mr. Blackwell: Will you allow me to supplement what Mr. Leithead has said? I was not asked the question. Our late manager, Mr. Leithead, had suspended Revell while I was away in Wellington. I may say that he first gave him work on my own suggestion. Revell represented that he was hard up and "wanted to keep the pot boiling," and I went out of my way to suggest to the manager to find work for him if he could. While I was in Wellington he was suspended, and when I got back the manager brought to my notice the reports that this man had been circulating, that the Government was granting an annual subsidy to the company, which they were defrauded of by the then manager. I said, "You did quite right. Give him an opportunity of proving his case, or else a week's wages." A letter practically offering him that was sent to him, and he was advised by his solicitors, very wisely I think, to make no statements. I think that was the very expression in the lawyers' letter. And so, when we gave him the opportunity of coming to make his explanation, he would not come, and he received his week's pay. That is practically all that took place in connection with the matter.

The letters put in by Mr. Leithead were then read by the Chairman, as follows:—

Mr. Revell.

SIR,— August 20, 1901.

I mentioned to the chairman the report you have been circulating *re* bonus from Government. We desire to give you an opportunity of substantiating the same, and I shall be at the office to-morrow afternoon if you wish to avail yourself of it. Yours truly,

J. LEITHEAD.

Mr. J. Leithead, Manager Kaiapoi Woollen Factory Company (Limited), Kaiapoi.

DEAR SIR,— 205 Gloucester Street, Christchurch, 21st August, 1901.

Mr. H. C. Revell has consulted us on the subject of his present position regarding your company, also as to the position of the company in respect of the proceedings taken under the Industrial Conciliation and Arbitration Act, and we have advised him that in view of all the circumstances and of the proceedings which he may be advised to take in regard to his suspension he ought not to take part in any personal interview with you or your directors, and we do not think it is right that you should ask him to do so. Mr. Revell will therefore not attend at your office as you suggest. Yours obediently,

JOYNT AND ANDREWS.

Mr. H. Revell, Kaiapoi.

DEAR SIR,— August 24, 1901.

As you refused to come to see me with regard to the matter which led to your suspension, I have now no alternative but to dismiss you from the employ of the company. Enclosed you will find three pounds six shillings (£3 6s.), to cover your wages during the time of your suspension and one week's pay in lieu of notice. Yours truly,

JAMES LEITHEAD, Manager.

104. *Mr. Barber* (to Mr. Leithead).] What does the reference to the Arbitration Act in the lawyers' letter mean?—This incident took place between our case being heard by the Conciliation Board and its going to the Arbitration Court.

105. *The Chairman.*] There had been an appeal made to the Conciliation Board?—The case had been heard before the Conciliation Board.

106. And an appeal had been carried to the Arbitration Court, and in the interval between the two this took place?—Yes.

107. All three of those letters are dated within a few days, and they were all written within this interval?—Yes.

108. *Mr. Alison.*] What was the term of the interval?—Over a year, I think.

109. Do you know of any person having been discharged by your company because of his or her connection with the union?—No. I have made all the dismissals that have been made this last five or six years, and I can state positively that, though there may have been one or two boys and one or two girls discharged, no man over twenty years of age has been dismissed from the mill for any cause whatever within the last two years. I can produce my dismissal-book to show that that is so. We had to reduce our staff when we reduced the night-work, but the unionist workers were not discriminated against.

110. You state that there is no foundation whatever for the statement that this man made?—Certainly.

111. Does your company distinguish in any way between unionists and non-unionists?—No; at least I do not, and I do the dismissing. Our award provides that all notices of dismissal shall be in writing.

112. *Mr. Hardy.*] Are you on good terms with the members of the union generally?—I can say that, with the exception of this one person whom I have referred to, I personally am on the very best of terms with all the members of the union. There is not the slightest friction—in fact, we never hear of the union from month's end to month's end.

113. Have you found that your directors are opposed to the workers joining together for their mutual advantage?—No, I have never heard them express that opinion at all.

114. It is not within your knowledge that the directors have any objection?—No, I have never heard them offer any objection.

115. I think you told us that all the members of the union are not connected with the mill?—That is so. As I said, the secretary is not a worker at the mill, and has not been during the last five years.

116. Is it within your knowledge that members of the union who are not workers, or directly interested in your industry, tend to make mischief amongst those you employ?—Well, I can only repeat the same thing—the trouble we have at all our meetings with the union is caused by an outsider.

117. Then, it is a fact that misunderstandings sometimes arise through mischief-makers interfering?—Certainly.

118. Do you yourself, as a mill-manager, approve of the formation of the union?—As far as my own position goes, it has rather eased matters for me instead of making them more complicated.

119. I am to understand that the establishment of the union has eased matters as far as you are concerned?—Yes, in many ways, especially in connection with the wage question. Before, it used to be rather unpleasant in discussing wage matters with the men.

120. What is the strength of the union?—I cannot tell you.

121. Are the members fairly intelligent and able to manage their own affairs?—I certainly think that our workers, take them on the whole, would be very difficult to beat in any mill in the colony.

122. Do you think they could choose from amongst themselves a secretary or a chairman who was sufficiently capable to carry out the duties?—Undoubtedly. The chairman now is in the mill, and I can certainly pick half a dozen young fellows who are quite capable of carrying out the duties of secretary.

123. I think you told us that the secretary is now in your employ?—He has not been since that incident of about six years ago.

124. And you say that he was discharged by your company?—Yes.

125. How long was he in the employment of the company?—I could not say definitely, but I should think about fifteen months—over a year, but not eighteen months.

126. Has he any special kind of knowledge of the work done in the mill?—He cannot possibly have, except by hearsay. He only worked in the wool department. His duties never took him inside the mill, and he cannot know the details of the work.

127. Have you ever at any time made use of your position as manager of the mill to injure the union in any way?—No.

128. Have you ever spoken against the union as a union?—No, I cannot say that I have. As I said before, we have difficulty with the secretary, because we simply cannot get on with him, and that is our sole stumbling-block. Apart from that, the very best feeling exists through the mill, and I am certain that if you were to take the opinion of the mill hands as a whole the great majority would bear out what I state, that the best feeling exists. The executive, in open conference, have stated that they are fairly treated.

129. You do not know anything about coercion then?—Certainly not. There is no coercion down there. That is borne out by the fact that no man has been dismissed for two years.

130. Have any of the workers been reduced in their positions in the mill on account of their being members of the union?—No.

131. Do the workers remain long in the employment of your company?—There are some there that have been there almost since the company started, twenty-seven years ago. They do remain long in the employ of the company; there is no doubt about that. I have known the mill for the last eighteen years, and a big number of the workers were there before that date.

132. I think that, in answer to Mr. Alison, you said that very few had been dismissed by the company?—As I say, within the last two years there have been no dismissals of men.

133. Have you any evidence to support that?—Yes. I produce the other letter-book. A press copy of every letter of dismissal has been taken.

134. Is T. Hanna in the employment of your company?—Yes. He is the man who asked permission to get away some fortnight ago, I believe, to come up here. He is a labourer in our dye-house.

135. Did you throw any obstacles in his way on coming here?—No, I did not. He came to me and asked me, and I asked him if it was the wish of the union that he should go, and he said it was. I said, "If that is the case I will inquire," and I suppose, within a very few minutes of the time he asked me, he had full permission to come away. There was no difficulty about it—no more difficulty than I would put in the way of anybody else getting away for two or three days.

136. Then, if it was stated in evidence that you did throw obstacles in the way of his coming here, that evidence is incorrect?—It certainly is.

137. What kind of work does Hanna do?—He is simply a labourer in the dye-house, and a very good labourer, too—one of the best labourers we have.

138. Has he any expert knowledge of the manufacture of tweeds?—He cannot have.

139. Does he know anything about shoddy?—I do not know whether he does or not. I do not see how he can know a great deal about it.

140. Does he know anything about the tearing-up of pieces of tweed in order to mix with materials for the manufacture of tweeds or materials in your mill?—I do not know anything about that, I am sure.

141. Do you know whether he knows anything about it or not?—He would know that. Of course, in our mill we work up our own wastes, which is the common practice of all woollen-manufacturers.

142. What kind of material do you work the waste up into?—Into grey blankets and blanket-rugs, and that sort of thing.

143. *The Chairman.*] Into common materials?—Yes. It is all wool. You could not throw your waste away. It would be ruination.

144. *Mr. Alison.*] Is there any reason why you should throw it away?—No, certainly not. It is all pure wool. Without knowing positively what other mills are doing, I should say they all do it.

145. *Mr. Hardy.*] Do the woollen-mills of the colony, as far as you know, work up to the old standard of turning out first-class materials?—I cannot say about the other mills, but I know that our tweeds are of higher class and are better all round than they were a few years ago.

146. As far as you can judge, the colonial manufactures generally are not deteriorating?—I would not offer an opinion about that.

147. *The Chairman.*] You said that you have been acquainted with the factory for eighteen years?—I can remember it fairly well for eighteen years. My father was manager there before I was.

148. You have been employed in the mill, and you know it and its employees?—Yes, I know them all personally. I went to school with many of them.

149. You were in the mill during the years 1901 and 1902, when this litigation which has been referred to took place?—Yes, I was assistant manager at that time.

150. When that case was carried before the Conciliation Board, I assume the officers of the union would be those who would represent the union, would they not?—Well, the three who represented the union in the first case were a man called Capil, one of our wool-sorters, who ultimately left to go farming; Mr. Hempleman, I believe, was the other—the clerk at the brewery, who to my knowledge was never inside the mill—and Revell.

151. When the Court proceedings came on, would not the officers of the union take some part in them: would they not have to make up a case?—I presume they did. The representatives had their notes there, and I presume they were made up from information received from the workers in the different departments.

152. Did they call some of the workers as witnesses?—Yes, a big number.

153. Did those workers attend under notice by subpœna?—I do not know how they attended. All that were asked for went. There was no obstacle placed in the way of any one to give evidence.

154. Can you tell us the name of the president at that time?—Mr. Carl Hansen.

155. Is he in the employ of the company?—No, he is a retired saddler. I do not know that he was ever inside the mill. He never had any connection with the mill. He was the first president of the union, and at that time was the president.

156. He was president at the time of the hearing by the Arbitration Court?—Yes.

157. And the vice-president at that time was ——?—I could not tell you. I do not remember. Mr. Hempleman was secretary.

158. You could not give us the name of the vice-president or of the treasurer?—No. Hempleman was secretary and Hansen was president, but who the vice-president and treasurer were I do not know now.

159. Then you state that neither the president nor the secretary at that time were ever in the employ of the company?—No, never. Hansen was president; Hempleman, who was clerk at the local brewery, was the secretary of the union, and neither of them, as far as my memory serves me, was ever inside the mill.

160. Of course, the union would have a committee?—I believe they had.

161. How many of those members are now working in the works?—That I could not say; but two of those who took a prominent part left. Capil went to start dairy-farming in the North Island, and another one left, entirely of his own accord, to take up the same thing up the Wanganui River. I think Hansen was only the figurehead of the thing; I do not think he took any active part in it.

162. Why should the men seek to have a person as representative—either president or secretary—who is unacquainted with the industry?—I could not say.

163. There were a number of the workpeople summoned to give evidence on that occasion, were there not?—Yes.

164. Of course, you would know their names?—Yes, we would. We have a copy of the evidence that was given, I believe.

165. How many of them are now in the factory?—I should say the bulk of them are. I could give you three or four cases of men who were working there and left entirely of their own accord to go elsewhere. For instance, Capil, Sanson, Pearce. I think all the girls who have not left to get married are there yet.

166. Of course, there would be girl witnesses?—Yes.

167. As a rule, when they get married, do they leave?—Yes. I think we have one or two married women working in the mill.

J. C. Cooper examined. (No. 20.)

1. *The Chairman.*] Where do you live, Mr. Cooper?—At Tane, Pahiatua.

2. What are you?—A farmer.

3. Are you engaged in agriculture or dairying?—In the pastoral industry—sheep-farming principally.

4. Have you seen this Bill—the Arbitration and Conciliation Act Amendment Bill?—Yes.

5. Will you please tell us what you think of it?—I speak not only for myself, but as a member of the Advisory Board of the Farmers' Union. Some little time ago the Advisory Board met and discussed this Bill, amongst other things, and we came to the conclusion, I may say unanimously, that it was a decided improvement upon the present Act, and we felt that we could compliment the Minister upon what he had done in bringing this measure forward I do not know whether these documents that I have here are of any value; they are letters from the various provincial secretaries of our organization asking that our Advisory Board take in hand the matter of giving evidence. I am acting on their hebalf. [Witness handed in letters empowering him to represent the Nelson Provincial Executive of the Farmers' Union, the Taranaki Provincial Executive, the Otago Executive, and the Marlborough Farmers, which letters were examined and accepted by the Chairman.] I do not think, Mr. Chairman, that it is at all necessary for me to go into details, which you have already heard from the gentlemen who represent Canterbury. What I want more particularly to bring up is the suggestion that the Advisory Board of the union desire to put forward for your consideration in dealing with this matter. Like the Canterbury people, we recognise that any award that would be given by the Arbitration Court concerning the farming industry would be to that industry's disadvantage. It would not matter what it might be or how lenient it might be, it would be more or less to the disadvantage of the farming interests. At the same time we saw clearly, or at least we thought we saw clearly, that it would be a matter of great difficulty to exclude the farming interests entirely from the operation of any Act which you might bring in for the benefit of the workers of the colony generally, because I think we all recognise that the country worker is certainly the most numerous by far, and we thought that if you could not agree to the suggestion that our industry should be excluded, you might seriously consider a proposal of this sort: that at least half the workers engaged in an industry should be members of the union before they were able to cite a body of farmers to appear before the Arbitration Court. Our reason for asking this is what has taken place in Canterbury, where, comparatively speaking, a small number of men were able to cite between seven and eight thousand farmers. Now, the conditions existing in Canterbury, though they are varied, are not as varied as they are in other parts of the colony, particularly the North Island; and if an award is given in Canterbury, as it may possibly be given, we know perfectly well that other provinces of the colony are likely to be in the same position shortly afterwards. Take, for instance, the Wellington Province, in which I am more particularly interested: we have at the present time in Masterton, I believe, a small Labourers' Union. I believe its numerical strength is very small, but no matter; it is sufficiently strong within the meaning of the present Act to cite, if it chooses, every farmer in the Wellington Province to appear before the Arbitration Court, and, perhaps, to get an award. Well, the conditions existing in the Wellington Province are probably the most varied in all the colony. Immediately around Masterton itself is an agricultural district, very much like the greater portion of Canterbury, and the workers of that district—that is, if they are genuine workers who are members of this union at all—are simply acquainted with one form of agricultural or farm labour, yet if that union cites the farmers and makes a demand it will probably do so on the broad principles that they have followed in Canterbury, where demands were made which if brought into practice, or even partly put into practice, would make it impossible for a large portion of the farming industry to be carried on at all. Now, in the Wellington Province we have got in Masterton itself almost a purely agricultural district. Immediately south of Masterton, in the Wairarapa, we have a district where the farmers are engaged almost entirely in dairying. Further south of that again, in the lower portion of the Wairarapa, we have an industry which is principally fattening, while in the coast district the industry is what is known as breeding, sheep-running, stock-rearing, and fattening. On the west coast, again, we have a district where the farmers are engaged to a large extent in mixed farming—dairying, agriculture, and fattening—

and further back, again, in the pastoral country we have breeding. So you can see there are very varied conditions, and yet a union composed of a small number of men could land all those farmers engaged in the various forms of the industry in trouble. Now, our reason for asking that half, or at least a considerable number, of the labourers engaged in the industry should be members of the union is this: We should then know that the union was a truly representative one, and that it would have in its ranks men engaged in all the various branches of our industry, and that in any demand which they put forward they would certainly have a knowledge of what they were talking about, whereas a limited number engaged in only one portion of the industry would not have that knowledge. We feel, therefore, that in asking this we are asking something that is only reasonable. In touching upon the various forms of our industry, the one which I more particularly wish to speak about is the dairying branch, and any one who has a little knowledge of that portion of the farming industry will see at a glance that no set of conditions laid down by an Arbitration Court could possibly be made applicable to the dairying industry, because it is not only the condition of the labourers that has to be considered, though labour would have to be taken into account; the dairyman has got to consider his cows first of all. To get the best results he has to consider his stock, and as far as hours of labour are concerned, a dairyman may have a number of hired assistants and at a moment's notice one or more of those assistants may leave. This would entirely upset the whole of the ordinary conditions of labour on that farm. The rest of the hands would have to work longer hours—possibly work harder to overtake the work, because it would have to be done; and until the farmer got more assistance these enforced conditions would have to exist, and these might take place upon every dairy farm throughout the colony. There is also a condition with regard to the dairy-farmer that I wish to bring under your notice, and that is this: The present scarcity of good labour in the colony, particularly in the North Island, has been largely brought about by the facility with which good workers can get on to a dairy farm. At the present time there are quite a number of large financial institutions that are quite prepared to accept a man who has a reputation for honesty and hard work, even if he has very little capital, and finance him into a farm. Of course, it is understood that he can provide the labour, and that labour he usually intends to provide by his own exertion and the efforts of his own family. Now, it has been pointed out that at the present time the wages paid by the farming industry are probably in excess of those paid by perhaps any of the other industries in the colony, and a statement was made by a member of this Committee that the wages paid in the North Island were perhaps not as high as in the South. Well, I myself believe that in the North Island they are, if anything, higher. I know that I myself pay £1 10s. a week to a permanent hand. As far as the dairying industry is concerned, if a farmer were obliged to pay the ruling rate of wages to the members of his family and pay also the interest upon the capital value of his land, he simply could not do it. There appears to be an impression that the profits of the farming industry at the present time are enormous. Unfortunately that is not quite correct, because the value of land has of late years gone quite up to the value of the products that are derived from the land, or even in some cases a little beyond it. Therefore, by the time a farmer—particularly one engaged in the dairying industry—has allowed himself interest upon capital which probably he has got to pay to some financial institution, and allowed himself and his family very moderate wages, he has very little left. In recent years, by families taking up this industry and pooling their wages, they have succeeded in a few years in placing themselves in a sound position; and in many cases—I believe in the great majority of cases—where a parent has succeeded in doing that, he has turned round and rendered similar assistance to his sons in the same line. This is being done every day throughout the colony, particularly in the dairying industry, and it has been a splendid means of giving industrious poor men a start in life as farmers. Well, we see very clearly that if you are going to bring in legislation which will in any way seriously interfere with the carrying-on of the dairying industry, you are going to hit the poor men—the industrious workers—hard indeed, or you are perhaps going to prevent them from eventually working themselves up into a position of independence, as they have been enabled to do of late years. Further than that, we think that any interference through the medium of the Arbitration Court in the way of compelling a farmer to pay his family a certain rate of wage will have the disastrous effect of preventing families from working in co-operation, because after all each family is simply a co-operative association. Not only would it have the effect of preventing that splendid co-operation which has been the means of enabling so many poor men to better themselves, but we also fear it would have the effect of very materially weakening the family ties. If a farmer were compelled to pay members of his family wages, it would simply be that the law would say to the man, "Your family must go elsewhere, where they can get those wages"; and it would have the effect of breaking up family after family, and, we fear, of weakening the family tie generally. Not only would the interference of the Arbitration Act have this effect as far as the man's family was concerned; it would also affect the employees on a farm. On the great majority of the farms, particularly up here in the North Island among the smaller farmers, the employees are practically members of the farmer's family. They dine at his own table and live in his own house, and there is a good-fellowship existing, and it has existed all along between them, for, as has been pointed out, the average farmer of to-day was a workingman only a few years ago. I know that was so in my own case. It is only a very few years ago that I was working myself; and I know that my permanent hand whom I keep at the present time will in a few years probably occupy the position which I occupy to-day. There is a mutual good feeling existing between us, and right throughout the colony not only does this feeling exist, but it exists to a very substantial extent. Many a time an employer will assist his employee to become a farmer. But if my employees and those of my fellow-farmers are to be forced into practically a hostile attitude to us, you destroy this feeling which has worked for good so long, and I fear the result will be anything but pleasant. I do not think I need say any more. My fellow-farmers from Canterbury have so thoroughly gone into the matter that I have simply brought up these points which they overlooked.

6. *Hon. Mr. Millar.*] You realise the right of the agricultural labourers to form a union?—Yes, we recognise that they have the same right as we farmers have.

7. You made a suggestion just now that before a union could take action it should have half the trade as members of that union?—Yes.

8. How would you ascertain whether its members were half the trade?—We would confine that, of course, to hands permanently employed. We found that we had to offer you some suggestion, and this was the best we could offer. We recognised your difficulty.

9. Dairying has been pretty successful of late years, has it not?—Yes; but I fear that in the immediate future it will not be so successful, because the value of the land has gone up so much that after allowing for interest at the present time, even with present prices, it leaves only a narrow margin. I have been a dairy-farmer, but I am not at the present time.

10. *The Chairman.*] You say that after allowing for interest there is but a comparatively small remainder?—Yes.

11. Is it the custom with a freehold farm which has been purchased to count a given amount of interest on the capital thus invested before falling back on the remainder for a living? Do you treat the capital as an investment on which a fixed rate of interest is to be paid, and regard what remains as the fruit of exertion?—I do so myself, and I believe that the majority of farmers, as business men, consider that they should certainly receive the ruling rate of interest upon the capital invested. But those farmers who are able to allow themselves interest upon their capital are in a fortunate position, and I fear there are a very large number of farmers who are not in that position. There are a very great number—I fear in some districts the majority—who have only in recent years been in the occupation of a farm, and who have got to pay interest on the capital value to capitalists.

12. That applies especially to a man who has borrowed money to purchase a farm?—That is so.

13. What of the case of a man who acquired land in earlier times when its value would not be more than, say, £4 or £5 an acre, and whose valuation has since risen to £20—would he count interest on the £20 or on the original price?—He would count interest on the present-day value, undoubtedly.

14. Then, though he had never borrowed the capital in the first place, he would consider himself entitled to interest on the present-day valuation?—Yes; but I fear there are not many farmers in the fortunate position that you speak of. Land has certainly gone up, and gone up very sharply in value, but not from £4 or £5 an acre to £20 that I am aware of.

15. Your acquaintance with the value of land is not confined to the Wellington Province, is it?—No, I have a general knowledge of the colony.

16. Would not the farmer in the position I mention be in a far better position than one who at the present time acquires land for which he pays cash, or which he borrows money to pay for?—Oh! naturally, because he would be his own capitalist.

17. Do you find any distinction made in that way?—No, I cannot say that I do. Of course, the man with the money is naturally the richer man; but here is one thing which I would like to point out to you: There are not a great many farmers who dairy-farm for the love of it, and when farmers—the majority, at least—find themselves in the fortunate position you speak of, they sell out their dairy farm and go in for some other class of farming of a less laborious nature. That is taking place right through the colony.

18. That leaves their farms, of course, available for others—it means an extension of settlement?—Yes. They either take up new country or a larger block of sheep-country; they go out of the dairying business. If you search Taranaki you will find that what I have stated is absolutely correct. The old-time dairy-farmer has left Taranaki; he has either retired or taken up country in other localities, and gone in for a different class of farming.

19. You practically state that it would be impossible to carry out any award which might be made by the Arbitration Court?—That is so. I cannot see myself—and the Advisory Board of our union generally fail to see—how any award that would be given affecting the farming interest could be to the advantage of the industry or that the industry could be worked under it.

20. Is not your suggestion, that the majority of persons employed in the industry should be parties to a citation, rather an attempt to prevent cases being brought than an attempt to settle the difficulty as it now stands?—No. What we fear and what our industry fears is not at all the farm labourer. The man that we fear is the professional agitator; but we believe this: that if a union were formed which contained a majority of the farm hands interested, that union would be a genuine one, and we could meet them fairly and discuss any grievances with them, and there would be no fear of an appeal to the Court of Arbitration at all.

21. Do you know of any occasion, either in the North or in the South, where an effort has been made to meet the farm labourers with a view to staving off this difficulty or anticipating it?—I am not aware that any demand has ever been made by farm labourers other than in Canterbury ——

22. What do you ascribe that to?—I have read the demands made by the union, and I am perfectly satisfied about this: that the men who made those demands know very little about the farming industry.

23. Between the demands and an award, of course, there might be a vast deal of difference?—That is so, but I may point this out: that from the constitution of the present Arbitration Court we feel we can have very little confidence in it.

24. *Mr. Alison.*] Why?—I can hardly say why, but we recognised that the Court as at present constituted knows very little about the farming industry, and naturally we should expect it to be guided by the arguments for and against, and not from any personal knowledge that the members of it had themselves. We fear to face any Court that has not a very decided personal interest in the subject.

25. *The Chairman.*] Do you mean to say you are afraid to go into Court from an apprehension that you would not be able to place your own case before the members of the Court in a convincing manner?—We are not specially afraid, I think, with regard to our own ability to do that; but we know perfectly well that the other side have also got able men who would do the best they could in placing their side of the question before the Court.

26. Do you doubt the capacity of the members of the Court, then?—We do not doubt their capacity, but we doubt their knowledge of the industry.

27. Is it not a fact that the Court for years past has been engaged in hearing evidence and giving decisions with regard to callings with which its members cannot be personally acquainted?—That is true, but the result has been this: Wherever they have given decisions and wherever those decisions have reacted upon the employers, the employers in turn have recouped themselves by adding to the cost of the article which they produce and passing it on to the public as a whole. We know that the awards that have been given for some years past have had the effect of increasing the cost of living, and increasing it very materially, and the general public as a whole have had to bear the increased cost. Now, as far as our industry is concerned, in any award that might be given against us or only partially against us, we have not got that safeguard. We cannot put up the price of our produce, because the value of our produce is entirely controlled by the London market.

28. Do you think the Court would not take that into consideration?—It may do so, but I may say that as far as we are concerned we prefer to face the representatives of the people and to ask them to do what they can for us rather than go to the Arbitration Court. We rely on you, and upon members of Parliament generally, to do what you can to protect our industry in a reasonable way rather than force us to appear before the Arbitration Court.

29. Is it not equally fair for the representatives of the men to come to us and tell us that they rely upon us to protect their interests?—That is true.

30. Of course, you are aware that the evidence given this morning, together with your own, goes in the direction of a plea for absolute exemption, not only from the present Bill if it comes into operation, but also from the present law?—Yes, if it is at all possible; if not, we put forward an alternative proposal.

31. The proposal which you have mentioned?—Yes.

32. But would not that have the effect of immediately neutralising the efforts of the organized bodies: is it not so designed?—I do not think so. If the workers in any industry have a real grievance, I should imagine it would not be hard to get half of those engaged in that industry to become members of the union and cite the employers.

33. Then, your claim is practically that one-half of those employed in the agricultural or dairying industry should be members of a union before any citation could be effected?—Yes. Of course, we suggest half, but we qualify it by saying "or a reasonable number."

34. A substantial percentage?—A substantial percentage, yes. What we cannot tolerate is the idea that seven men could form a union and cite the farmers of any industrial district—say, the Wellington Province, where there are from five to ten thousand farmers.

35. Of course, you are aware that seven is the minimum number of men for forming a union, and that seven men might really represent seventy or seven hundred?—Yes.

36. But it is only necessary for seven to act?—Yes.

37. *Mr. Alison.*] Are you not aware that throughout this colony in all the industries the same condition applies?—I am quite well aware of it, and have been for a long time.

38. Do you not consider that the law which applies to other industries should also apply to the farming industry?—It would seem so on the face of it, but we can urge extenuating circumstances. As I have already pointed out, you or the representatives of any other industry have got a remedy—that is, you can force up prices. We cannot do that.

39. *Mr. Barber.*] With reference to this question of interest, I understood you to infer that an owner of property, even if he paid only £2 an acre for it, was entitled to charge his estate interest equal to the return he would get if he sold his farm and invested his money in another concern?—Yes, I consider so. I do that myself, and I think any business farmer would.

40. *Mr. Hardy.*] And if the land goes down in value?—Well, then we stand the racket.

41. *Hon. Mr. Millar.*] You state that the farmer cannot pass on any increase in the cost?—That is so.

42. What does he export?—The raw products generally that this country produces.

43. Wool, mutton, butter?—Wool, mutton, and butter-fat comprise them principally.

44. Is it not a fact that meat is higher locally than your London price?—I believe it is, at least, as far as judging from the cablegrams that we see in the papers and judging by the price that is charged by the butchers here is concerned, it is so—that is, comparing the retail price here with the wholesale price of our meat at Home. But the farmers of this colony do not reap the benefit. That enhanced price that is paid by the consumer goes into the pocket of other people, not into the pockets of the farmer.

45. With regard to butter, is the price charged to the local consumer here not higher than you get for your butter for shipment?—I would not say it is not, but I will repeat my previous argument, that the farmer does not get it. The dairy companies sell their output early in the season, and they contract to deliver it at certain times during the year at a fixed price, and it is kept by people who either ship the whole of it Home or retain a portion to supply the local demands during a time of scarcity. But I do not believe that any, or at most only a small percentage, of the farmers of the colony ever reap any benefit that is to be derived by sudden rises in the value of produce locally.

46. Are there not co-operative dairy factories in this colony which supply the local demand in addition to anything they may ship away?—I believe there are in the South Island, but I am

not acquainted with them in the North. There are, I believe, companies around Christchurch that cater for the local demand.

47. In Otago there is one company that has the whole thing in its own hands—of course, it is entirely owned by farmers?—That is simply owing to the fact that the South Island is not a dairying country.

48. The standing price we pay there has always been 11d. a pound in the summer and 1s. 1d. in the winter, and they have shipped their surplus Home for 9½d.?—Yes. Well, we up here in the North Island have not those advantages.

49. Then, with regard to the wheat grown by the farmer, if he watches the market to find out what the quantity is, he is in a position to fix the price in accordance with the requirements of the demand, is he not?—I do not think so. I do not think that at the present time, taking the recent rise in the value of wheat into account, the farmer as a whole has reaped any, or at the most very little, advantage.

50. There is no importation of wheat into this colony to speak of?—No; but all the same the price of wheat in this colony is ruled by the price abroad.

51. But you do not export at all, or only very little?—That is so. We grant that. Nevertheless, if the value of wheat here rose to any large extent over the value of wheat in Australia or America, we should have Australian and American shipments here.

52. You have the advantage of freight and duty?—Yes; but I believe, taking even Canterbury as an example—and Canterbury is almost the only part of the colony that grows wheat—I do not believe that 90 per cent. of the farmers reaped any advantage from the recent rise in the price of wheat. They had their produce sold before the rise took place. Other people get the advantage of these rises. We do not

JAMES WILSON, South Canterbury. (No. 21.)

Witness: I do not wish to occupy the time of the Committee very much, but I should like to indorse what has already been stated. I have been farming forty years, and have had experience of it in all its phases. I think the evidence which has been given before this Committee is correct and thoroughly reliable. It is not necessary for me to go over what has been said, and I only wish to corroborate what has been stated.

JOHN TROTTER, of Fairlie Creek, South Canterbury. (No. 22.)

1. I must say that the evidence which has been given here to-day is thoroughly correct as far as I know the conditions of farming. Mr. Talbot put the figures in connection with grain-growing at less than I could get the work done. With us the cost of ploughing is 8s.

2. *The Chairman.*] Do you mean that you have heavier land down where you are?—No, it is just about the same as that which Mr. Talbot works, but it is back country, and the further you go back the higher the wages. Clause 49 of the Bill says, "No person over the age of twenty-one years shall be deemed to be an apprentice within the meaning of any award or industrial agreement." Now, in our business we find that where a man in the town has a little money, and has got into bad health he may come to us and say he wants to learn the business. He might be forty years of age, and any number of them are up to thirty, so this clause could not apply to our business, although it would be all right in a factory. With respect to the wages paid to farm-workers, I go round the country a great deal, and I can assure you the men are quite contented and a great majority of them are against this movement. They recognise that the maximum will have to come down to the minimum, and it is against human nature that where a man has to show another how to do the work he should receive only the same remuneration. If you have a man in a crowd who is a bit of a talker you are likely to soon get a lot of loafers, and the best thing is to send that man away, and keep all the good men.

3. *The Chairman.*] The evidence runs in this direction: that the deputation would prefer to have nothing to do with this proposed legislation?—Yes.

4. Would you agree to some special legislation being drafted which, while leaving you outside this, would bring you under the operation of another Act, or do you claim that you should be outside of legislation altogether?

Mr. Jones: We could hardly tell you until we saw what is proposed.

5. *Hon. Mr. Millar* (to Mr. Jones).] Do you not think, Mr. Jones, that the farm or agricultural labourer has the same right to have his conditions of labour reviewed as any one else?—Personally, I have no objection at all to the farm labourers having their union and discussing their position; but what we feel is that it would be impossible to work under such conditions as those proposed.

6. You do not think the Court, knowing that it is an industry which is entirely dependent upon the climatic conditions, would give an award laying dow hard-and-fast rules which it would be impossible to carry out?—The Court has really no practical knowledge of our industry. And it is not simply one industry, because you would wrap up on one farm eight or nine industries. Shearing has an award to itself, for instance. But, going through the whole matter, we think it would be impossible for the Court to give an award that could be satisfactory to either side. Apart from that, the good class of men are not in the union, and laugh at the idea of it and the conditions laid down. I am quite certain that if a vote were taken it would be found that the great majority of farm labourers do not want to come under the Arbitration Act.

7. That is to say, that the demands made by the union are of such a character that they could not possibly be given effect to?—Yes. The better class of farm labourers contend that they could not work under the conditions that might be imposed by the Court. For instance, ranging over thirty miles you would need different awards, because of the different classes of country—flat and hill country.

8. I suppose you are aware that the Dairy Union and the dairy employees came to an arrangement by meeting together in Canterbury the other day?—Yes. That is in connection with the creameries, and is quite a different thing. It is the manufacturing part of the business.

9. What your argument really amounts to is this: that with regard to cereals you cannot compete successfully on account of the changes in weather, but other branches of the industry, such as sheep-growing, would not be affected. It is really at harvest-time that you risk the whole of your crop, and you want the limitation of hours taken out?—Yes; but putting the seed into the ground is almost of as much importance as getting it out.

10. You are aware that there is a Canterbury Farm Labourers' Union already?—Yes.

11. And that you are practically asking us to cancel their registration?—Yes.

12. *Mr. Arnold.*] You have already a dispute in Canterbury, I believe?—The Judge has ruled that there is. The sheepowners had a case, and they have joined us.

13. Does not that show that there is a certain amount of discontent amongst the workers, whether justified or not?—If clause 53 of this Bill had been in operation twelve months ago there would be no dissatisfaction now. It has arisen through the action of agitators.

14. If there was any large amount of discontent amongst the farm labourers, say, in twelve month's time, and they did not come under the Act, how would you propose dealing with them: would you prefer them to go on strike, because they would not be tied by any law?—If the difficulty arose, we should be prepared to meet it.

15. The agricultural labourers have been under the Act since its inception, have they not?—Not the first Act.

16. Well, for some years?—Yes.

17. And there has been no discontent until the present time?—Not until it was fostered by others.

18. So that the fact of them being under the Act has done no harm?—There has been no discontent, but while they have the agitator element amongst them it can soon be fomented.

19. But if there is no cause for discontent, the fact of agitators going amongst them will not create discontent?—I only wish that you were able to listen to some of the talk that has been going on amongst our farm-workers. For instance, Mr. McCullough addressed a meeting of the Farm Labourers' Union at Prebbleton the other night. We wanted a list kept of the workers, and Mr. J. A. McCullough, amongst other things, said, "The farm-workers might also decline to co-operate with their good kind bosses. Te prevent that from happening, he suggested that the farmers might revert to the method adopted in the fifteenth century. If a farm labourer left his master without permission he was summarily dealt with by two Justices and ordered to be branded on the back with a red-hot iron and sent back to his village. If the branding on the back was not sufficient to teach him manners and he ran away a second time, he was again ordered to be branded with the red-hot iron, but on the forehead, so that every farmer could see at a glance his character. He commended that scheme to the consideration of the sub-committee which had been set up by the North Canterbury Executive of the Farmers' Union as being more effective for its purpose than the proposals submitted by the Templeton branch." That is the kind of thing which has been going on with the view of forcing men into the union. Many of the best men are not working in connection with it, and consider that, with the privileges they are now getting, they would be worse off under the Act. You bring in clause 53 of the Bill, and you will stop all that.

20. My point is that the farm labourer is as intelligent as any other class of worker, at any rate, and if the conditions of his employment are satisfactory to him, the fact of some person making a statement like that will not make him discontented?—You can easily create discontent. There is a very small proportion of the labourers in the union. Most of them are men from the hotels.

21. You said that seven men were the means of citing eight thousand farmers?—Yes.

22. Can you tell us there were only seven men in the union?—I cannot say that; but there were only seven to form the union.

23. Was there no ballot taken afterwards?—A ballot was taken afterwards.

24. You think it is correct that there were only seven people who caused the citation of eight thousand employers?—That is the case, and part of them were taken to Southbridge to do it.

25. You are of opinion that if a case came before the Arbitration Court, and that Court heard such evidence as you were able to bring—full intelligent evidence such as you have given this morning—still the Court would not be qualified to give an award to meet the case of your industry?—We consider, as farmers, that it would be impossible to frame an award that would be applicable to our industry.

26. Supposing this Bill were put through, and previous to any case going before the Court a Board was set up between yourselves, would it be possible to come to an agreement?—The position would lie practically with the Chairman. In connection with the Industrial Councils, the difficulty would be to get an impartial Chairman. We feel that an award could not be made that would be satisfactory.

27. The one thing you ask for is to be absolutely exempt from the working of the Act?—That is so.

28. *Mr. Poole.*] Although you are asking for absolute exemption, still you have in your mind some favourable inclination towards the Industrial Councils proposal: you think it is the safest method of settling a row?—It commended itself to our union as the best method of settling difficulties.

29. You think that even with an Industrial Council it is possible to get a fair conciliatory spirit?—It is the best method that has suggested itself to my mind yet.

30. You made a reference to an increased fine: you said you thought £100 was not sufficient for a union to face in the case of a breach?—If that was the penalty a union had to pay if it called

its men out on strike, in the cause of our industry it would only amount to about 2d. or 3d. a member if spread over the whole union, which is nothing at all, practically speaking. In the case of a small union it would be a pretty heavy fine. I think the amount should be regulated according to the strength of the union.

31. Regarding clause 53: You spoke about the elision of the words "has been"?—Yes.

32. Do you not see that it is necessary in some of the larger unions for men to be set apart for this work without giving any of their attention to the particular trade to which they belong—they become professional in their work for their union?—Yes.

33. What effect would the striking-out of these words have?—The idea of that clause is to make the man who is working for the union one who is working in connection with the industry, and we wholly approve of that.

34. Do you think a man could give a fair return to his employer and look after the interests of his union at the same time?—I am not aware of the amount of work that has to be done in connection with these unions.

35. You object to the professional element?—Undoubtedly. I had a newspaper cutting showing that the Auckland Labour Council were most emphatically against it, and I believe the ordinary workmen connected with unions are just as glad to have that clause put in. They are sick of the professional agitator.

36. The employers have their professional representatives, and have to justify the professional element in labour difficulties because they themselves employ them and set them apart for this particular work: you believe in the abolition of them too?—The work that the agitator of the labour unions does is not to be compared with that of the employers' representatives. There should be some means of doing away with the element that has been brought into our dispute by the outsider. If there is any disaffection in the industry it should arise from within, and one of their number should be able to take it up.

37. You made a statement that it is impossible to pass on the increased cost to the consumer if the weather-conditions prevent you from competing favourably in the production of your produce?—I can prove to you that the price we are getting for our wheat is not paying us.

38. Are you not now making the consumer pay for what you did not reap?—Just in this particular case; but if you take a series of years you will find that in—how many cases? Very few indeed.

39. Is not the consumer paying an almost prohibitive figure for wheat and flour at the present time through the farmer getting compensation for crops they are not reaping?—Just at the present moment; but in connection with this you must strike an average over a number of years, and in nine cases out of ten you will find that the London market controls our prices here.

40. Do you think the speculator has anything to do with that?—No, we have not enough wheat to carry us through.

41. You are a Free-trader, or your union is?—In a measure; but if you are prepared to tax boots, which we look upon as necessaries of life, we want a tax on flour.

42. *Mr. Barber.*] With regard to the report you read of Mr. McCullough's meeting—what is the date of the meeting?—It is about ten days ago, I think.

43. Do you know whether it was prior to his suspension or afterwards?—It was previous.

44. He had been in the habit of doing that sort of thing while in the Government service?—Yes.

45. Some of the witnesses object to the agricultural industry being brought under legislation of this kind at all—they want freedom; but these laws are not passed for those farmers who treat their hands reasonably, but for the opposite class?—Yes.

46. All laws are passed not for the law-abiding people, but for those who are not?—Yes; but we find that there is such a demand for good men in Canterbury that if a man is not satisfied with the treatment he receives he need not stop in the place a day.

47. *Mr. Ell.*] What would you consider a fair wage for a man competent to take charge of drilling operations on a farm?—Drilling is such a small element in the work—you want a man to do the whole thing.

48. Well, a man competent to drive a binder?—The average wage for a good man, where fair advantages are given, is about £1 5s. If you go further back in the country they get more. In harvest-time a man gets a shilling an hour.

49. Do you know of cases where the farmers are paying £1 2s. a week?—Yes.

50. And you know some who are paying £1 7s. and others paying £1 5s.?—Yes.

51. Would it not be fair to the men that they should get good pay all round?—I know of places where they could get £1 10s. if they went thirty miles back; but a man prefers to get work nearer Christchurch, and will take £1 a week.

52. Do you know of men working forty miles from town who are getting £1 2s.?—There would be some.

53. Mr. Talbot told us that he paid one man 6s. 6d. a day, with the use of 10 acres of land, and charged him 9s. a week for a cottage?—Yes.

54. Do you consider that good pay?—You would want to know what the 10 acres of land were worth. They might be worth £3 or £4 an acre. The cottage would be worth 9s. a week.

55. What do you pay your men—good all-round men—per week?—£1 5s., and even £1 15s. I have paid in cases where the men have found themselves. One of my men is a married man, and has 10 acres of land and the use of my five-horse team to work it with. His wages go on just as if he was working for me, and he has the use of all my implements and a holiday when he wants it.

56. If a man is receiving £1 a week, with no additional advantages, do you consider that a fair wage?—It all depends upon his ability. If he is a good man he need not stop in his place at that. For a good man I could get a better place than that.

57. You complained about the conditions laid down in the Bill?—Yes.

58. Are you aware that those conditions can be modified?—Yes.

59. You are aware that the Arbitration Court has a great many industries to deal with, where the conditions surrounding the work have been very varied, and that they have modified those conditions?—Yes, but not in an industry like ours.

60. Do you consider it impossible to so arrange such conditions as to make them workable?—As farmers we have found it to be impossible to frame an award ourselves that would be considered reasonable either to the employee or to ourselves.

61. If the Court made an award which the farmers considered reasonable, would that be workable?—The conditions are so varied. We have to deal with a number of men coming to us who are not able to earn the minimum wage. The country has to face the problem of what to do with these men. We cannot keep them.

62. Do you not think that would apply to other industries as well as yours?—No, because these men have been drafted out and drafted out.

63. Take the work of a nurseryman—digging, planting, sowing: that is a phase of landwork, and the men are physically competent to do it?—It is so hard to explain. There is so much light work that any one could do it.

64. You know an award has been made to meet the varying conditions in connection with that work?—But that is entirely different to ours.

65. If an award was made for a certain number of hours, to be regulated as the farmers thought fit, would that be workable?—Well, as Mr. Clothier pointed out, owing to the state of his land his men went away for a week. Do you think the Arbitration Court would allow us to take that week off when counting the hours?

66. Do you suggest that the lower-paid men have no right to ask for an award to compel an employer not paying the good wages to pay according to the standard of the good employer?—My contention is that if a good man is receiving bad pay it is his own fault. You cannot expect a farmer to pay a good wage to an inferior man. At the beginning he has to find him in board and lodging.

67. Assuming that a good man were being employed by a farmer at a low wage—you say he could find employment elsewhere—but could he find employment elsewhere at a fair wage?—Yes, he would have no difficulty. We cannot get enough good men.

68. You mentioned that you recognised that the old Act was obsolete?—Yes.

69. In what respect—with regard to the conciliatory spirit?—Yes, we consider it is the Arbitration Act now, not the Conciliation Act.

70. And you are in favour, if you are brought under the Act, of allowing the Industrial Councils to supersede the Conciliation Boards?—Yes.

71. How long has the agitation to bring the farm labourers under the Act been going on?—For the last eighteen months.

72. And recently the agitation has been stronger?—Yes.

73. And I understood you to say that recently eight thousand farmers were cited?—Yes.

74. How long has Mr. McCullough been participating in that agitation?—Practically from the beginning; so long as we have been tacked on to it he has been its president.

75. For two months?—Over eighteen months.

76. Is he president of the union that is promoting the agitation?—Yes. He was elected president some fifteen months ago, and was re-elected again last August.

77. You seem to be strongly opposed to the farm labourers being brought under the Act: do you not consider it equally reasonable that the farmers and settlers should be brought under the operations of the Act as the employers of domestic workers?—We are not working against the men, but we contend that the men are contented with their present position; that it would be impossible to frame an award that would be suitable for our industry, and that it would be as much against the interests of the men as the farmers to bring them under the Arbitration Act.

78. Mr. Poole asked you a question with regard to the price of wheat, and seemed to be of opinion that the farmers at the present time were charging a larger price for it and gaining an advantage. Assuming that the standard price of wheat is fixed at 3s., what would be the result to the farmer if he had a bad season?—If the standard price was fixed I would grow fat lambs.

79. You would not grow wheat?—No.

80. In bad seasons the farmers would lose considerably?—Yes.

81. And in good seasons?—They would not make more than a fair profit.

82. Your opinion is that if the farm labourers are brought under the operation of the Arbitration Act the farming and dairying interests would be very seriously prejudiced?—I am perfectly certain they would.

83. (To Mr. Talbot.) You have a large family?—Yes.

84. In working your farm, do you pay each member of your family a weekly wage?—No, we are working together.

85. What would be the effect if members of families were brought under the Act?—Probably in my case it would make no difference. I trust them, and they trust me.

86. It would not be a matter of trust, you would be working under an award?—They would deal with the matter afterwards. If left alone they can make the best of their time, and each one endeavours to do his best.

87. The great proportion of settlers work their homesteads in conjunction with their families?—If they did not they would not work them at all.

88. Under an award each member of the family would retain the amount that was paid to him: what would be the effect of working a farm under those circumstances?—It would very nearly break it up. It is by the aid of our families that we are able to get on.

89. *Mr. Hardy* (to Mr. Jones).] Has there been much excitement in Canterbury lately over the establishment of the Farm Labourers' Union?—There has been a good deal of interest. The chief interest was when the case was brought before the Court.

90. When was that?—When the eight thousand farmers were cited.

91. Who cited them to appear?—The Farm Labourers' Union.

92. Who was the president?—Mr. McCullough.

93. Who was the secretary?—Mr. Thorn.

94. Are they connected with the business of farming in any way?—No; they are not in touch with it in any way.

95. And not really interested in the industry?—No.

96. Have you heard any inflammatory speeches made by those gentlemen?—Yes, I have got a number of cuttings.

97. Has Mr. McCullough been pretty free with his tongue?—Yes.

98. It has been stated in evidence here that there has been a great deal of coercion in consequence of the farm labourers, or those belonging to the union, taking part in meetings?—I have taken an active part on behalf of the employers from the beginning, and I do not know of one single act.

99. This is part of the evidence of one witness:—"Question: Have you heard of anything of this kind happening before—farmers threatening their men? Answer: Yes. Q.: In what district? A.: In one particular district where Mr. Jones, the President of the Farmers' Union, lives—the Weedon's district." Do you know anything of that taking place in your district?—No, and I do not know if there are any members of the Farm Labourers' Union in it.

100. Then you do not believe there has been any intimidation in the district in which you live?—I am absolutely certain there has been none.

101. And if any person has given that evidence before this Committee you think it is incorrect?—Yes, I am certain of it.

102. And the statement is unwarranted?—Yes. The Farm Labourers' Union have not come within four or five miles of the place.

103. Then you never heard of the coercion mentioned and given in evidence by a witness here? No; and what is more, knowing that such statements have been made in public, I have been actively searching for evidence of coercion, and cannot get it.

104. Then the Weedon's district is no worse than any other district in Canterbury?—No, I have been searching for evidence and cannot get it.

105. Do you approve of those who are not connected with a trade taking part in the management of the union?—No, I am totally against it. I consider that no industry can work harmoniously under such circumstances.

106. You consider that the officers of a union should be members of the trade?—I do.

107. And you do not believe in mischief-makers being allowed to interfere?—No.

O. F. CLOTHIER made a statement. (No. 23.)

Witness: I would like to indorse the statements made by our president and by the last speaker. I went into the matter of grain-growing very carefully with regard to the cost of production, as far as it has affected me at Harden during the last five years, and I found that it cost me 2s. 4½d. a bushel to produce wheat. That works out at £4 5s. 6d. per acre, so that taking our friend's figures with mine we are not far out. With regard to the climatic conditions, I would like to tell you my experience. Two years ago I put in 70 acres of wheat; we got three days' heavy rain, and the whole lot was simply waterlogged—perished. Three weeks afterwards it was dry enough to work up again, and I worked it up and again put it into wheat, and to all appearance when it came out in bloom it was a 40-bushel crop; but there came a sharp frost one night, and that climatic change resulted in a loss of £450.

The Chairman: The crop was ruined?

Witness: Yes. You do not find such great losses happening in other industries. Then, take the hailstorms that occasionally come along. We escaped last year, but the people at Waipara and Amberley had their crops entirely ruined by one, and Amberley has been flat ever since. Business people there say it was due to the gruelling the farmers got through the hailstorm. In farm-work we pay our men whether it is wet or dry. Two years ago I made a loss during five weeks of wet weather, through the wages going on and the cost of horse-feed, of £45. That will give you some idea of the expenses a farmer is put to to get a crop. You cannot find enough work for the men in bad weather, for they will mend up all your bags in a very short time. During the recent wet weather I said to the men, "Chaps, you might just as well go pig-shooting as stay here," simply because I had nothing for them to do until the land got dry. People say that the conditions under which the farmer works are the same as in other industries; but when you look into them you see that they are very different. Therefore, if you could see your way to exempt the farmers from this Act you would be doing a good thing. I pay one of my men £1 7s. 6d. a week, with board. Two men just out from Scotland offered to come on at 15s., but I told them they could start at £1. I asked them how they would get on if we had to pay them, as learners, £1 7s. 6d., and they said they would have to go to the wall. Many of these men require teaching, and it is a good thing for them to take them on at £1 a week, with a promise of £1 2s. 6d. or £1 5s. when they get used to the work; but so far as I am concerned, if I could get men who were worth £1 7s. 6d. I would take them on and keep them all the year round in preference to employing a novice at £1 per week and found.

JOHN TALBOT examined. (No. 24.)

13. *The Chairman.*] What are you?—I am a farmer, of South Canterbury.

14. Do you wish to supplement what Mr. Jones has said?—Yes. I quite concur in the statements that have been made to you by Mr. Jones, and I would like to particularly emphasize this point: the great difficulty there would be to work under the hard-and-fast regulations laid down by the Arbitration Act. As you are all aware, we are under great disabilities with regard to the weather-conditions For instance, in the early part of this year we had no rain and could do little or nothing, and then when the weather did change—about August—we had too much rain, and consequently could not do much then, so that we were driven into a period of very few weeks during which to get the bulk of our work done. There is not only the question of the short length of time we have in which to do our work, but there are also the wet days to consider, and also partially wet days. When we start work in the morning often a thunderstorm or some other change will stop work, and the weather will be too bad for us to do anything throughout the rest of the day; and if we had these hard-and-fast conditions under the Act to follow, we should not be able to make up the time lost for fear of a prosecution. The conditions will also do great injury to farming generally and dairying. I am not able to say much about dairying, because there is not much carried on in South Canterbury. What there is is languishing, because it is carried on under great difficulties. If we were brought under the Act I think it would probably be closed up altogether so far as South Canterbury is concerned. With regard to grain-growing, we have to compete against the whole world in a distant market. Australia has come to the front, and is apparently going to be a very formidable rival to us indeed. I think that in past years not more than 3s. a bushel has been netted by the farmer, and in many cases only 2s. 6d., and it has been as low as 2s. 1d. to 2s. 3d. The sheep industry has greatly improved, and has become our staple product; and although I am a grain-grower working my land mainly by the aid of my family, I think we should seriously consider whether, under the restrictions of the Arbitration Act, it was worth our while to go on with it. I might point out to the Committee that the margin of profit on wheat-growing is very small indeed. Land that will produce, say, 30 bushels per acre is not obtainable for less than 15s. per acre to rent, and as it takes nearly two years—say, from now to February or March, 1909—and being besides an exhaustive crop, two years' rent must be charged against it. No one having land worth 15s. a year to rent would give the right to take off a crop of wheat for less than £1 10s. per acre. Take the rent, then, at £1 10s., ploughing 12s., discing and harrowing 6s., drilling and rolling 3s., seed 6s., harvesting 12s., threshing 7s. 6d., carting 5s. (that would be 2d. per bushel from the mill to the store, and is below the average cost), rates, &c., 2s. 6d.—I think you will find these figures work out at £4 4s. for expenses against the 30 bushels at 3s., or £4 10s. And this is for land that is clean. If it is not clean it would require, perhaps, double as much work. It also involves getting 30 bushels to the acre, which is above the average. I farm 3,000 acres with my family, and I should say that undoubtedly we should drop grain-growing to a large extent if we had to work under this Act—that is, we should not employ any outside labour at all. I have six sons working on the farm and three or four more going to school.

15. It has been a fertile farm, then?—Yes, fairly so. I am just pointing out the very precarious nature of grain-growing, and if these labour restrictions are forced on us—seeing the uncertainty of how we may be dealt with even to the men being called out in harvest-time—it is very doubtful whether we should trouble about wheat-growing. It is not a matter of wages, because a good man is worth from £1 5s. to £1 10s. a week and his board—that is probably one out of ten; but it is the other nine-tenths, whose main object is to get through the day anyhow. It is quite different with the man who takes your interests into consideration. To the great majority of the labourers I am sure we could not afford to pay higher wages than is now usually done. I myself pay £1 5s. a week for a ploughman, with, of course, £8 or £10 extra for harvest-time. I am paying one man 6s. 6d. per day, with the use of 10 acres of land and a cottage of five rooms, for which he pays me 9s. a week. He keeps his cows on the land, and with those and his garden largely helps to keep his family. I am inclined to think the labour union would get no advantage from any fixing of wages, for if the minimum were fixed even as low as £1 a week, a great number would, I think, be unemployed; yet we are paying more than that now to good men. If we had to ask inferior men to go for a permit we would not do so I do not think one man in ten would dream of sending a man for a permit, and consequently the man would have to go without getting work. We are thinking of what is best for both sides. I represent probably nine-tenths of the farmers of Canterbury, who landed here without money, and went to work, and in time got on to a piece of land, and in time became employers, and every one of those we employed in those days is or could be in the same position as I am—that is to say, they are now farmers and employers of labour. The closest connection exists between the good farm hand and the farmer—their interests are identical. I do not think there is one farmer in ten who has not been a worker himself, and he is just as wishful that his men should do the same as he has done. Farm-work does not require to be brought under regulations like town work, because it is not unhealthy, nor is it laborious. The ordinary farm hand has only to walk or ride on his implement when working Nor should we be able to get in more than eight hours' work if we wanted to—the horses do not work eight hours a day—and the man is not required to get up very much earlier than the city man. He gets up about 6 o'clock and feeds his horse, and then after breakfast goes to work. It usually takes to a quarter past 8 to get to the work; it will take an hour or an hour and a quarter for the feeding, and they are not often expected to work after 5 o'clock, except to feed and put covers on the horses. The man who has to walk after a team ploughing will walk about twelve miles a day to plough 3 acres, which is four miles for the acre. The weakly individual who would die if you were to put him in an office will live all right on a farm. You would not want to bring

the farm hands under the Arbitration Act for the sake of their health, or because they are badly used, because they are not so far as I know. I do not think the original framers of this law intended that it should apply to country life, and, speaking for both sides, seeing how closely connected we are, I think it would be better for both if we were not brought under it. We should have the utmost freedom in our work, and no good purpose is to be gained by the proposal. The workers outside our industry are bringing the union into disrepute, and throughout the country it is thought this legislation is going further than is good for the country, and it is going to affect the dairying industry more largely than farmers. We have come a long distance to show you that this is not wise legislation as applied to the farming industry. We all admit the good it has done so far as the factories are concerned, but it not in the interest of the country that we should be brought under these vexatious regulations.

DAVID JONES examined. (No. 25.)

1. *The Chairman.*] What are you?—Farmer.

2. Where?—Weedon's, Canterbury.

3. Will you please tell us whom the deputation consists of?—Representatives from Canterbury chiefly.

4. What are the names of the deputation?—Mr. Trotter, Mr. Talbot, Mr. Clothier, Mr. Wilson, and Mr. Twentyman.

5. You are all farmers actually engaged in agriculture?—Yes.

6. And you are representatives of the Canterbury Farmers' Union?—Scarcely. In connection with Canterbury farmers, of whom there are about eight thousand who were cited to appear before the Arbitration Court, we are the committee appointed to take in hand the proceedings before the Court, and also to wait upon you to-day to give evidence so far as the Industrial Conciliation and Arbitration Act Amendment Bill is concerned.

7. You are representatives of all Canterbury?—Yes.

8. Have you seen this Bill?—Yes, I have a copy of it.

9. Will you please tell us your opinion of it as it affects your industry?—Our opinion is that the Bill as a whole is an honest attempt to deal with a very difficult problem, and our members felt that we should congratulate the Minister of Labour on most of its provisions. We recognise that the old Act is obsolete, because there is really no conciliation under that Act at the present time. It is practically arbitration now, and we think it is unfortunate that the conciliation part of it should be practically dead. We feel that under the proposed Act the formation of the Industrial Councils should be of great assistance. Where those engaged in the industry are able to discuss the position there is more likely to be a decision arrived at in connection with small matters vital to many industries which should be of benefit to both the employer and employee. There is one clause in the Bill—clause 24—we should like an explanation of. After discussing this matter we want to know whether the fine of £10 would be inflicted on the worker or whether it would be on the general union.

10. The common-sense interpretation of it, as it would be understood in the House, would be this: that if the union as a whole was guilty of a breach the fine would be imposed on the industrial union as a whole, but in isolated cases, if particular individuals were guilty of the breach they would be fined?—In the industry we are engaged in there are fifteen hundred members of the union, and a fine imposed over a number like that would be only 1s. 6d., which would be useless. We feel that the £100 should be increased in the case of large unions, so that it might be limited to so-much per man. Clause 26, where the fines are at the discretion of the Magistrate, we think, is a step in advance; but even yet it has not advanced far enough. I have been in the Arbitration Court recently, and have been watching the employees bringing up the employers for breaches that were trifling, and it seems to me that the system of allowing the unions to obtain the fines leads to the bringing-forward of cases, and it advertises their supposed usefulness.

11. You think some unions bring forward cases for the sake of the fines?—We consider that all fines should be made payable to the Crown, and not to any other person. Clause 30, where the fine may be collected by the future employer, we consider a step in the right direction, and we cannot understand the opposition to this clause. If the unionists intend to obey the law they should have no objection to a clause like that, but if they intend to break it, of course, it would meet with their opposition. It has our cordial support. Clause 44: We consider that before a union should have power to cite a body of men a larger percentage than at present should be obtained. Taking our own case, seven men were able to cite eight thousand of us, and they were not all agricultural labourers. The fact that these seven men can be got from outside to disturb the happy conditions under which all were working is a monstrous position. We consider that some provision should be made by which some reasonable percentage of the union should be fixed before it is possible to bring such a large body of men before the Court. In connection with clause 47, where it is proposed to have every member of the industry brought into the union, we are scarcely able to express an opinion, because we understand the Minister has some proposal to bring down which will make the clause less repulsive than it is at present. What we fear is that it will have the effect of creating funds in the hands of both employers and employees and put the two into armed camps, which, we think, would be unfortunate for the colony as a whole. Clause 53, making it compulsory for every officer of a union to be a worker in the industry is one which we think should have been in the original Act, for it would have considerably assisted the work of unionism in New Zealand and fostered happier conditions between employer and employed. The farmers wholly support clause 53, but would like the words "has been," in the third line of the clause, eliminated. It seems to us rather vague, and we think it should be men who are actually engaged in the industry. We feel that the professional man coming between

the employer and the employee has been the cause of a great deal of the trouble that has occurred. To our mind it would be better if the industry could get along without the assistance of the Arbitration Court, and we consider it is almost criminal for professional advocates to come in and cause strife in an industry. While we generally approve of the Bill the Minister of Labour has brought down, and congratulate him on his attempt to deal with a difficult problem, we feel that it will, as far as agriculture is concerned, be impossible to deal with it, and consider that agriculture should be exempted from the scope of the Act. This was originally the case. It was recognised that in the towns, where men are easily grouped and can be kept under the eye of an Inspector and the awards enforced, where the weather conditions do not interfere with the working-hours, where the employers' books are easily got at, and where the permit system can be so effectively applied, the Act has been of service; but we feel that in our industry all these things are wanting, and after going through the matter with great care, as a committee we felt that it would be impossible to make an award that would not harass our industry. It is unnecessary for me to go into the point of the weather-conditions that we labour under—that must be known to all. There may be a year's planning in connection with farming which, by reason of the weather-conditions, may be upset. Oftentimes for eight weeks, or even four months, our teams are idle. During that time, contrary to other industries, the men's pay goes on as usual. In other industries, if there is a breakdown in the machinery or from other causes the work is stopped, the pay of the men ceases; but in farming the pay goes on all the time. We have been able to get on happily together so far, but under the Arbitration Act, with the conditions of work and hours forced upon us, it will be impossible to carry on at a profit the grain-growing industry. In the harvest-time it is a very critical period with us, and the men recognise this as much as we do. Oftentimes the men prefer to work early in the mornings and again in the evenings. Under the proposed conditions we shall be brought under set hours and it will be impossible to carry on as we should like the work of grain-growing. It would simply mean that grain-growing would largely cease except where there are good railway facilities. It has been a question with us for some time whether sheep or grain-growing is the best, and we are of opinion that if we are brought under the Arbitration Act we shall have to go in for sheep and leave the land alone. This would hit the farmer hard, but it will strike the labourer more. We are not pleading for cheap labour, but want elasticity in our work. As far as wages are concerned, having gone into the matter, we find that we pay our workers the highest wages in the world. If we take the New South Wales Year-book we find that the wages paid there for ploughmen run from 15s. to 17s. 6d. a week. The *Lyttelton Times*, which has never been a farmers' paper, went into this matter very exhaustively about two years ago, and showed the whole of the conditions of labour in New Zealand, the hours, increased cost of living, and so on, and had to admit that the chief rise in labour during the last few years had been in connection with country workers, that the town artisan had not enjoyed the same increase that the country labourer had. Our contention is this: that when the wages are increased in the towns there must be a corresponding increase in the country, otherwise we should be unable to keep our men. The man in the country to-day is receiving as good pay as the man in the town. If we take the New Zealand Year-book we find that the average wages of the male worker amounts to £81 a year—that is, taking in apprentices—and I am quite satisfied that if we were able to get the average wage per man of the employees in the country, adding to it the value of board and lodging, it would be found that we pay in the country a higher rate than £81 a year. The man receiving £1 a week, with his board and a bonus for harvest-work —which is a low rate for the country—is receiving in excess of what the man in the town gets, and the latter has a great many disadvantages to labour under. Therefore we say that, putting us under hard-and-fast conditions, while it will be bad for the farmer, will be worse for the employee. There would be a large number of men thrown out of employment if the grain industry were stopped, and, of course, that would affect the whole colony as well. The Arbitration Act has already had the effect of driving incompetent men into the country. I have been in conversation with people in town who tell me that they never employ men with permits unless they are forced to, and we find that the unfits and misfits drift out to us, with the result that we have an inferior class of labourer forced upon us, so that with the facilities offered to the really good farm labourer to get on the soil through the splendid means provided by the Government land system, we are left with the inferior men to work our farms with. It would be impossible to make use of the permit system in connection with country life, unless the under-rate workman was willing to take round with him a permanent letter of discredit, and it is safe to say that no man living would do that. There is another point I was asked to bring before the Committee, and it is this: When before this Committee recently in connection with the Agricultural Labourers' Accommodation Bill you will remember that we spoke of the swagger difficulty, and Mr. Grigg then stated that it was costing him from £300 to £500 a year. Then general feeling amongst the farmers is that if these hard-and-fast rules are made to apply to us, then the same must be applied by us to others, and the system of helping the swaggers must cease. We have been carrying on in this charitable way towards a large body of men throughout the colony for many years, and we feel that if hard-and-fast rules are made for us we shall have to make a change in this respect. In bringing agriculture under this proposed Bill we are taking up a new position. In other industries they have been able to pass on any increased cost to the consumer, but in our industry we are in competition with the world, and it would seem by what has happened during the last few weeks that any little protection we have been receiving is likely to be taken away from us. We have dear land, the dearest machinery, dear freights, the highest-priced labour, not much virgin soil for wheat-growing, and we are face to face with the fact that, through being in competition with the world, if we are brought under these new conditions we cannot pass on the increased cost to the consumer. While we are quite prepared to give our men all that is reasonable and fair, yet, as farmers, it must be recognised that we have as much right to live as the labourers. We

desire the Committee to take into consideration this aspect of the question: that we are not able to put the increased cost on the consumer. If we are brought under this Act, what are we to do with our families? I take it that in New Zealand one of the chief means of developing our agricultural industry has been the pooling of the interests by the family. I can give scores of instances where families have been pooling their labour so as to enable the father to go in for a block of land, and if they had been working under the conditions laid down by the Act this could not have been done. The consequence would have been that the children would have been thrown on the labour-market. We consider that one of the most serious aspects of this question is that the Act will in many cases mean the breaking-up of the home. Then, there is this difficulty: there is a clause by which it is made compulsory that every man shall be forced into the union of the trade in which he is an employee. In the country a very large proportion are employees one day and the next employers. There is also an exchange of labour, which takes place more especially in harvest-time, and it would be impossible to draft a clause that would bring these men within the scope of the Act. A large section of the farmers in New Zealand belong to that class. Then there is the difficulty of supervision. With the supervision that would be necessary in Canterbury, where there are, say, eight thousand farmers, it would be practically impossible to carry an award into effect if the Act were in operation. In view of all the points I have raised to-day—and there are a great many others, only it seems impossible to get time enough to go into them—I think I have shown sufficient reason why it would be detrimental to the interests of the farming community, and therefore against the interests of the country, to bring the agricultural industry within the scope of this Act, and we trust the Committee will take into consideration the necessity of exempting us from its provisions.

12. May I ask if your evidence represents the views of the whole of the deputation?
The deputation: Yes.

TUESDAY, 8TH OCTOBER, 1907.

PATRICK JOSEPH O'REGAN examined. (No. 26.)

1. *The Chairman.*] Where do you live?—In Wellington.

2. What is your occupation?—Solicitor.

3. Have you seen this proposed amending Bill to the Industrial Conciliation and Arbitration Act?—I have.

4. Have you any connection, or have you had any connection, with labour matters in regard to this legislation?—Yes, I am Chairman of the Wellington Conciliation Board, and have been since 1906.

5. Will you please give us your experience: I suppose you wish to refer mainly to the machinery and working of the Act?—That is so. I think there has been a great deal of ignorant criticism in the Press in regard to the Conciliation Boards. In my opinion the Conciliation Boards have never received a fair trial. They are handicapped under the present state of the law for two reasons: one is that the employers, if they are absolutely unanimous, can go direct to the Arbitration Court without reference to the Board at all; and the other, and more serious one, is that after the Board has carefully gone into a dispute, and has drafted its recommendations and filed them, although all the employers may be satisfied except one, the law places it within the power of that one individual to take the case to the Court—to invoke the whole of the machinery of the Arbitration Court and compel all parties again to go over the beaten ground, with the result that the Court has more work than it can do, and a great deal of delay and consequent irritation is occasioned. To my mind the recent slaughtermen's strike was directly due to delay, resulting from the facility employers have for taking cases to the Court. Having regard to these two radical defects in the existing law, I have been amazed to find the amount of uninformed criticism that has been levelled against the Conciliation Boards. They have been condemned as having broken down when in reality they have never had an opportunity of doing much good. Now I can supplement that by one or two practical illustrations. During the time I have been Chairman of the Wellington Board one dispute, and one only—the bricklayers' dispute—was settled in conference between the parties. When you come to consider the whole of the circumstances there is nothing surprising about that, because the Wellington Industrial District covers practically half the North Island, and with such a diversity of interests which must necessarily exist over such a large area it is absolutely impossible to find complete unanimity amongst the parties *inter se* or between the parties. We have, however, had frequent instances of agreement between the majority on each side. In the Letterpress Printers' dispute, for instance—and I take that as a practical illustration of my argument—the union demanded an increase of wages from £2 15s. to £3 5s. per week. The members of the Board visited personally the principal establishments throughout the industrial district where the business of printing is carried on, and I may say that it is highly necessary to do that. I do not know that the Court does it, but it is much more advantageous to inspect the premises than to take lengthy evidence. Members of the Board thereby get a practical insight into the business that no amount of evidence would give them. After going through the industrial district we framed our recommendations, and these were found to be acceptable to 90 per cent. of the employers, who were perfectly well satisfied with the recommendations. I had a personal assurance of that from the proprietors of a number of leading newspapers. Still, notwithstanding that almost complete unanimity amongst the employers, the dispute went to the Arbitration Court, which had to go over the whole dispute again, while the union was put to the expense of sending its two representatives before it, and the Court also had to incur a great deal of expense. And what was the result? The Court, in the matter of wages, practically repeated our

recommendations. The two essential points in any dispute are the wages and the hours of labour: well, so far as these two essential points were concerned, the award of the Court was a repetition of the Board's recommendations. Exactly the same story can be told about the Plumbers' dispute. The Board made recommendations which were accepted unanimously by the employers outside of Wellington and the bulk of them within the City of Wellington. That dispute went also to the Arbitration Court, and again the Court repeated the Board's recommendations. These illustrations, I think, show conclusively that the existing state of the law does not allow the Boards to show what conciliation can do, and until the law is altered the Boards must be practically useless; but in the circumstances I do not think any one is justified in saying that the Conciliation Boards have proved a failure. You will understand that it is always to the interests of employers to take a case to the Arbitration Court, for the reason that, while the decision of the Court is pending, the existing award remains in force, so that prolongs the advantage of the existing award. The facility that exists enabling the employers to take cases to the Court means than the Court has always more work than it can do. It is impossible for the Court to overtake the work, and the delay will eventually result in the break-down of the Conciliation and Arbitration Act. Those are the main points I wished to bring before the Committee. There are other ones that I have in mind, but perhaps it would facilitate matters if you were to interrogate me further.

6. You evidence must naturally be more valuable than that of others, because of the experience you have had in a neutral position: then, you think the Court duplicates the work of the Board?—To a large extent, certainly.

7. What remedy would you suggest for that?—The remedy I would suggest is the obvious one, a modification of the provision that enables a dispute to be taken to the Court without previous reference to the Board.

8. In other words, you would wipe out the Willis blot?—Certainly. I do not know what the House was thinking of when it adopted that section, and allowed it to go on the statute-book.

9. Would an improvement be effected by giving the Conciliation Board power to make its recommendations mandatory at once, and then to allow appeal afterwards if either party chose to apply for it?—I think, certainly, that where an agreement is arrived at between the parties, that ought immediately to have full effect as an award without reference to the Court at all.

10. Do you think that would prevent cases going before the Court?—Certainly, where an agreement takes place. I will just point out what took place in connection with the Bricklayers' case. The parties came to an agreement in conference. I have found, by the way, that since I have been Chairman of the Board, the most expeditious way of getting through the business is not to hold formal sittings and to put witnesses on their oath, but simply to go into conference *in camera* with the parties on each side of the table, and take the matters in dispute seriatim. We can get the facts just as well by this means and in much less time than under the old system. In the Bricklayers' dispute we came to an agreement in conference; but, notwithstanding that, the matter had formally to go to the Court before coming into operation. In my opinion, directly the Chairman of the Board files an agreement that agreement ought to come into operation without it having to go to the Court at all. Beyond that I do not express an opinion, but I do say that after the recommendations of the Board have been filed at least a proportion of the employers should be required to sign a requisition before taking the recommendations to the Court.

11. The Conciliation Boards have no power to make an award?—No.

12. And you think that if the Board had power to make an award where an agreement had been arrived at, that award should become immediately binding, and it would prevent a good deal of the business going on to the Arbitration Court?—Yes, that is perfectly correct.

13. Do you think the constitution of the Conciliation Board is open to any criticism, assuming that it had this power you speak of?—I think three members of the Board would do the work of the Board just as well as five—that is my honest opinion from experience.

14. You think there is too much formality in the settlement of these disputes and too much waste of time?—Yes, I think three could do the work just as well as five. The existing statute provides for that. Five is the maximum number, including the Chairman.

15. Is that number always used?—It is in Wellington.

16. *Mr. Arnold.*] Have you any idea of the proportion of cases which go on to the Court?—My experience is that the great majority go on to the Court. Since I have been Chairman of the Board I think I am correct in saying that, with the exception of one case which was settled, every case has gone on to the Court.

17. While in cases the Court does not adopt the whole of the recommendations of the Board, is it the case that it does accept the larger proportion of the recommendations?—Yes; very often the wording in some of the clauses is not even altered. They are adopted *in toto* in some cases. For instance, in the Bricklayers' case we have a case in point. In other cases, though the Court did make a substantial difference in its awards, nevertheless there were some of the recommendations adopted *in toto*.

18. Is that the case to any extent, the Court being able to get through the disputes in very much shorter time than the Board?—Well, I am not sure that the Court does take less time than the Board. I understand that under the old *régime* the Board used to take three weeks in traversing the Industrial District of Wellington, while in the first dispute that I presided over—the Coachbuilders' dispute—when I saw the fixtures I expressed an opinion that it was an inordinately long time to allow for the hearing. The Clerk of Awards, however, said that was the time usually taken, and it was then too late to make any alteration. Since then no dispute has taken a fortnight, and some less.

19. The point I wished to get at was this: Does the fact of the dispute having been previously heard by the Board lessen the time occupied by the Court?—Certainly it does.

20. So that, in your opinion, although the recommendation of the Board is not adopted, the time and the expense are not wasted?—The recommendations have some value, no doubt. That is

to say, if the Court sat alone without the assistance of the Board, the Court would have to take longer time, certainly.

21. Will you tell us what the provision of the law is in connection with adding experts to the membership of the Board?—The present Act provides for that. It provides for special Boards of Conciliation.

22. Either party can now ask for a special Board, can it not?—Yes, certainly. There is special provision in the statute for it.

23. Have you, in your experience, found great difficulty in consequence of not having experts in the specific trade on the Board?—I am bound to say No, although no two disputes are alike. In my opinion, continuity in the *personnel* of the Board is an important factor in the efficacy of the tribunal, and a person of common-sense, by visiting the works, while he may not be an expert, can get enough information to enable him to arrive at a very fair decision.

24. By seeing the works and hearing the discussion by the experts?—Quite so.

25. You hold, then, using your own word, that there should be continuity on any Board that is set up?—It would be a valuable factor.

26. It would be a mistake to have a Board set up to settle every dispute?—There may be something to be said in favour of it, especially in mining districts, but I am bound to say that, so far as the industrial conditions in a place like Wellington are concerned, I do not believe the Industrial Councils of experts will be an improvement.

27. And in the case you mention, such as a mining district, where it may be necessary to have experts, the law at present provides for that if either party likes to take advantage of the law?—That is so. I would simply like to say that the existing state of things is wrong, and, in my opinion, the two radical defects I have mentioned require altering. Until the Boards have received a fair test, they should not be called a failure.

28. The continual appeals to the Arbitration Court after the matter has been practically settled by the Board, and the long period of delay which ensues?—Yes; but the long period of delay is the inevitable consequence of the Court getting more work than it can do.

29. *Mr. Barber.*] The long period of delay would be avoided to a large extent by the recommendations of the Board taking effect as soon as they are given?—Yes.

30. Then there would be practically no delay, because until it was reversed the award of the Board would be in existence?—Yes.

31. And that would do away to a large extent with the delay?—That is so.

32. The power of appeal is what you strongly object to?—Yes, the facility for appeal.

33. *The Chairman.*] Do you think it is to the interests of the employers to have these delays because during the time they are paying according to the previous rates?—Yes.

34. And no award comes into effect until it is made by the Court itself?—Yes. When I say it is to their interest, I mean to their immediate interest, and not to their ultimate interest, because the delay leads to a considerable amount of unrest that is not to the interest of any one.

35. *Mr. Hardy.*] Do you not think that time heals all sores?—That is a truism; but, like all truisms, it requires to be read with exceptional cases.

36. Irritation arises which time allays?—That is so, generally speaking; but I do not think so in this case, because the dispute has to come to a head. There has to be finality at some time or other, and the parties never forget the fact that it is pending.

37. In settling cases, are they always settled in the interests of the employers or of the employees?—That is one of the greatest difficulties in connection with the whole subject, because the matters that come before the Board or the Court are not so much questions of law as questions of fact, and the man in the street is as much entitled to have an opinion as an educated man, and for that reason I do not think any industrial tribunal is able to please everybody. A number of people would dissent from any decision given.

38. Are all the cases founded on good grounds when they come before the Board?—There, again, it is a matter of opinion, and it give me an opportunity to point out a difficulty. No dispute can exist to which a union is not a party. In fact, the Act might be paraphrased as "an Act to encourage the Formation of Unions." If the unions were to rescind their incorporation that would be tantamount to repealing the statute altogether. As I have said, the Industrial District of Wellington covers half the North Island, while the headquarters of the unions are generally in Wellington. The first sitting in a dispute takes place in Wellington, and there is considerable interest evinced on both sides. When we get up to Palmerston North, and Wanganui, and Napier, and other intermediate districts, the commonest objection from the employers is that they have had no dispute with their men, and they object to the whole proceeding. There is something to be said in favour of that contention, but the word "dispute" must be given a technical meaning which must be given to the Arbitration Act. In the country, apart from Wellington City, the industrial conditions are different, and in consequence difficulty very often arises. That is to say, the same grievances do not exist in the country as in the city, and in consequence of that a number of people have asked for special awards; but my experience has been that if you try to give effect to that desire, the first objection to it comes from the employers. Take, for instance, the letter-press-printing trade. Canvassers from the city go all through the North Island for orders, and the employers in the trade, with some show of reason, say that they want to be put on a footing of equality with all the others with regard to wages and hours. In some disputes the same argument does not apply, and the only practical way of surmounting this difficulty is for the Board to take local conditions into consideration in framing their recommendations.

39. You think there are more disputes in the centres than in the out-districts?—Yes.

40. Would that be on account of the friction caused by the professional agitator, who is to be found where most honey is to be picked up?—I am bound to say that the Act is developing an element of professionalism on both sides.

41. You do not believe in that?—No, but it seems to be an inseparable part of the whole system. The employers have their representatives, and the others also, and each representative naturally does his best for his party. I do not like to be personal in the matter; I look upon these facts as inevitable.

42. Do you think it would be better for the community at large if there were fewer professional agitators, whether for the employers or the employees?—Probably it would, but I do not see how we are going to get away from it.

43. You do not approve of the professional agitator, whether employed by the one side or the other, going before the Conciliation Board, at any rate?—I believe it would be much better if we could get the principals themselves before us rather than the representatives.

44. You thoroughly approve of conciliation?—Yes, when it is possible; but it is not always possible.

45. Is it a good thing to bring these professional agitators in where you have Conciliation Boards sitting?—I am bound to say that, in my opinion, it would be much better that persons who are officially connected with either party should not adjudicate on disputes.

46. That is another question; it is the matter of conciliation I am dealing with. It is the question of friction I want to get at. Now, in conciliation, is it a good thing always to be rubbing the sore?—No, conciliation is designed to avoid that.

47. Then, you think the agitator would be better buried when conciliation is the object of the Board?—I am not qualified to give an answer, because I do not like to dub any one an "agitator." I confess that I think we should get on better if we had the employers and workers themselves to deal with, without their special representatives.

48. Do you think that if the Conciliation Boards had more power you could do away with the Arbitration Court?—Now that you have opened up that question I will give you my own scheme. To begin with, I think the position of the Arbitration Court is most unfair to the Judge, for this reason: that he has to deal in the great majority of instances not with questions of law that he has been trained to, but with questions of commonplace fact, upon which every one has an opinion. I think the Arbitration Court should be reserved for cases of workers' compensation, breaches of award, and questions of law pure and simple. I think there ought to be district Boards of Arbitration, with absolute jurisdiction so far as the fixing the question of hours and wages is concerned.

49. You think there is a great improvement in the management of the Conciliation Board in your district?—Well, I did not wish to say so, but I think everybody will admit that we take up much less time than was the case formerly. I think we take up only about a third of the time.

50. Have you heard that there was reasonable cause of complaint in the past?—Yes, and I think the cause was this: that the Board insisted too much on formality. They put the witnesses on oath and conducted the cases as if they were a Court of law, whereas we dispense with all that now. The Chairman takes the chair in conference, picks up the claims of the union, reads them through, makes a note wherever the parties agree, and reduces the points in dispute to the minimum. Then we adjourn to another place in order to see what progress we can make there. We, generally speaking, take no more than a day in each place, and try to get an agreement between the parties ourselves.

51. *The Chairman.*] Can you give us some information as to the way in which the union officers manage their business?—Yes.

52. Do you think the cases are put before you in a reasonable sort of way?—On the whole, yes. Sometimes I dare say they ask for more than they expect to get, and the other side put claims forward that they know will not be accepted; but, on the whole, I find there is a desire to do the right thing on both sides. Questions regarding holidays and hours of work are matters upon which men can honestly differ.

53. What do you think of the proposal that every officer shall be an active member of the union?—That is rather a question for a unionist to answer. I do not feel capable of expressing an opinion about that, not being a unionist myself; but I may say that the majority of unionists do not agree with it.

54. And with regard to breaches of award, you would limit the Arbitration Court to matters of breaches of award, and compensation to workers, and so on, which could be decided by reference to certain cases?—Yes.

55. You know there is a proposal in the Bill that breaches of award should be heard by Magistrates in order to get over the difficulty?—On the whole, I think I would rather leave that matter with the Court. The Court is an industrial tribunal.

56. Clause 22 says, "Any Inspector of Awards, or any party to the award, may, in the prescribed form and manner, make application for the enforcement of the award to a Magistrate"?—I think it would be a mistake to have two tribunals.

57. You would rather not admit the Magistrates?—Yes.

58. Should permits be granted by the Chairman of the Board, or should they be granted by a Factory Inspector?—That is a matter of opinion. As a Chairman I would be glad to get rid of the responsibility, because permits are awkward to deal with at times. On the whole, I think the present system is preferable. In Wellington the Chairman has the final decision, and in the country districts the Magistrates. I think the Inspectors have enough to do without this work.

59. Was it not the intention of the Act that permits should be given to infirm persons who were not able to keep up the pace?—Yes.

60. Is that the case in the majority of instances?—No; I think in the majority of instances they are applied for by young fellows who have not served the whole of their apprenticeship, or who, having served their time, are not yet proficient. I think the permit system should be carefully scrutinised.

61. Is the system largely used?—In some trades considerably. I should think the trade in which the permits are most in demand in Wellington is that of the carpenters.

62. How do you account for it?—In some cases I am afraid it is caused by want of ambition on the part of the applicant.

63. Would it be due to insufficient training?—In some cases. To give you a case in point: a man came to me with his own son, who had formerly been working for him. The man had got into financial difficulties and could not apprentice his son, but wanted the young fellow to get a permit. I pointed out to him that it would be much better for his son to finish his apprenticeship, and I went round Wellington and came across an employer who was willing to apprentice him for the remainder of his time. The lad's father had been paying him about twice the wages he would have been entitled to as an apprentice, but I pointed out to him that it would be much better for him to become a good tradesman than a slipshod worker. The lad went to work, but had not been with his employer more than three weeks or a month when he came back to me for a permit. He wanted more wages, and his employer would not give them. I refused his application.

64. Yet the lad had been trained under his own father?—He had been trained for a couple of years, and had about half his time to serve. It is the same thing with carpenters. A young fellow will come to me for a permit for 8s. a day, saying that So-and-so will give him employment for six months. My experience is that if you give a permit for six months the applicant will come back to you for another permit, and there is no finality about the thing. My policy is to get these young fellows, if possible, apprenticed in their own interests.

65. You think that so long as they can get wages they will not trouble about getting into the ranks of competent workers?—I am bound to say there is a good deal in that. They are too unconcerned, and are just fooling away their lives.

66. You would prefer that the permit system should remain as it is at present?—I think it would be better to leave it as it is.

67. The permits are granted for a time?—Yes, for six months. As a general rule, I give one for only three months, to see how the applicant is getting on.

68. Is there any suspicion that employers prefer these young fellows with the desire of getting them at a lower rate?—There may be some who do that, but I have no proof of it. That has crossed my mind, because when you find a number of applications coming from the same quarter it tempts you to draw that conclusion.

69. *Mr. Hardy.*] Have you ever heard of any cases of hardship through old men not being able to get permits?—In the case of old men I have no hesitation in giving them permits. A man eighty-seven years of age came to me the other day and said he was able to get 12s. a week at box-making, and I gave him the permit at once.

70. Have you known cases in the country where men find it difficult to get permits, and are placed at great inconvenience by having to get them renewed when they have been issued?—I do not know of any personally, but we have put it in one or two of our recommendations that where permits are granted for old age or infirmity they shall be granted for an unlimited time.

71. It is not within your knowledge that certain Canterbury people have refused to do that?—I cannot say, but I know that does not apply to the Wellington Industrial District.

72. Would you consider it a great inconvenience if old men had to ask for a permit every six months?—Yes, it is not a fair thing. This morning a man applied to me for a permit. The man was over sixty, and I gave him a permit for the maximum time.

73. *The Chairman.*] There is no reason why permits to aged persons should not be granted permanently?—Certainly not.

74. Your greatest difficulty is with young fellows?—Yes.

75. What proportion is there between the young fellows and over-age candidates?—I should say about 70 per cent. of the applications which come to me are from the young fellows who are just out of their time, and who are not above twenty-one years of age. If I granted all these men permits it would be tantamount to reducing the minimum wage.

76. *Mr. Hardy.*] Should there not be provision made for apprenticing any one over the age of twenty-one years?—In some cases, yes. For instance, in the last dispute I heard the union wanted the minimum age of apprentices to be fixed at sixteen and the maximum at eighteen. Some of the employers—not all of them—wanted to have no limit of age at all.

77. Do you think any man should be prevented from learning that which he is best able to do?—There is a great diversity of opinion amongst the employers about that. I asked that question, and the great bulk of the employers were of the opinion that to make a good baker the boy ought to be taken on when he is young.

78. In your experience, should there be an objection to a man learning a business or profession at any time of his life?—Well, I do not think that in the great majority of instances it would be desirable for men to begin learning a trade.

79. Would you object to a man being an apprentice at any age between twenty-one and thirty?—I think it would be better if they began earlier. The great majority of men begin their career as artisans fairly early in life, and it is undesirable to swap horses in midstream.

80. But great men often change their avocations: we want great tradesmen, we want great mechanics, and if a man found he was a misfit as a clerk, would you object to him apprenticing himself to a business he would like?—It would all depend upon the circumstances. It is difficult to lay down a hard and fast rule. I do not feel qualified to give you an unqualified answer, because every case is subject to individual exceptions.

81. In your own case you took up law when you were over thirty years of age?—Yes.

82. Is there any reason for thinking that you will be a legal failure because you took up law when over thirty?—Well, I hope not.

83. Supposing my son or daughter found that he or she was not a success in the present avocation of life, would you object to either of them learning some other business?—I would not.

84. And it would be reasonable to allow people generally to learn another trade when they knew they were misfits in that in which they were engaged?—Yes.

85. You believe in individuality?—Yes.

86. Though it applies to personal cases and it is a matter of individuality, you would approve of a good deal more individuality that we have now?—I would.

87. So that if a young fellow proved to be not a success as a carpenter you would not mind him learning the business of a tinsmith or coppersmith?—No. There are any number of men who occupy a good standing in their particular calling who have never been apprentices.

88. Would it not in any case be a good thing if the regulations provided that a man or woman could be apprenticed after the age of twenty-one if they had not been a success in the occupations they had filled?—Yes, I think I can give an affirmative to that.

89. *Mr. Barber.*] Mr. Hardy referred to the case of a misfit. Is it not a fact that men have been engineers and have wanted to take up electrical engineering? It would be necessary for such men to work under the minimum wage until they had learned the business, and you would not give them permits, but the only chance these men have of learning electrical engineering or motor engineering would be by being apprenticed You do not think they should be debarred in such cases?—Certainly not. I think the permit system has been devised to meet those exceptional cases. A great number of intelligent young fellows are not really competent workmen after serving their time, and they want six or twelve months to bring them up to the mark. With regard to the holidays, I think it would simplify matters if these were settled by statute. In the Industrial District of Wellington, for instance, there is a holiday in Wanganui on Show Day, which is not a holiday in Napier and other towns, and *vice versa*. It would simplify the whole thing if the holidays were fixed by statute.

90. *The Chairman.*] You think the statute should overrule all awards and arrangements, and repeal everything that now exists in that direction?—Yes, I think so. It would cause some inconvenience at first, but it would be better in the long-run.

91. *Mr. Hardy.*] What would you do about the half-hoiday?—I am not speaking of the weekly half-holiday, but of the days held as gala days, such as the King's Birthday, Labour Day, and so forth. There are difficulties in the way, but we are here to overcome difficulties.

92. *The Chairman.*] It has a tendency to dislocate business, and the uncertainty of holidays is inconvenient?—Yes.

93. *Mr. Hardy.*] Do you not think that what would suit one place would not suit another?—I think there are some holidays that should be generally observed. I am referring to days that are whole holidays, such as Labour Day, which is fixed by statute, the King's Birthday, and the Prince of Wales's Birthday.

94. Do you not find that a difficulty arises in localities with regard to pay-days and sale-days, and all sorts of local considerations that come in?—That is the point. Sale-day is an important day at Palmerston North, and some people complain that they have to keep these sale-days and other days as well. I think public holidays should be made as far as possible to fit in with these days.

95. How could you make public holidays fit in with Show Day at Palmerston North?—Well, the present system leads to a lot of irritation and friction, and it has occurred to me that it would be an improvement if there were certain recognised days which had to be kept under any circumstances as holidays.

96. But when local bodies meet and fix their own holidays, do you not think it is right for them to do so?—Yes, but you find people differing in the different districts in reference to this matter. You find that a holiday may be very popular in Wellington about which the people of Napier do not care two straws, and *vice versa*.

97. But you do not want to cause friction—you desire conciliation?—I do not want to cause friction, but I think it would be better if the holidays were fixed outside of the Conciliation Boards.

98. You said that a holiday might be popular in Wellington while in Napier they would not care about it?—Yes.

99 Very well. Do you not think that the Wellington people should be allowed to fix their day, and that Napier should not be compelled to keep it as a holiday if they do not want to?—I think if these holidays were fixed by statute it would be better, because there are so many conflicting opinions, and it is inconsistent with the functions of the Conciliation Boards to try and adjudicate upon questions in which agreement is not possible.

100. *Hon. Mr. Millar.*] Prior to the Willis blot, did the Conciliation Boards do much good?—They were open to one objection due to their faulty procedure—they observed too much formality.

101. As Chairman of a Conciliation Board, how much of the spirit of conciliation have you seen exhibited by the parties when they came before you?—Not so much as I would like, certainly.

102. You are of opinion that if the Conciliation Boards were allowed to be continued it would be better if the professional element were kept away from them?—Yes, I have said that.

103. Do you not think there is a better chance of conciliation being effected when those who are directly interested in a dispute are brought together?—There is a greal deal to be said in favour of that. I say without reservation that the existing system is radically wrong, and a change is desirable if the industrial legislation is to do any good.

104. In the event of the Conciliation Boards as at present constituted being done away with, whom do you suggest as being better qualified to grant permits for under-rate workmen than the Inspector of Factories? Of course, if there were a permanent Chairman of the Board, then he would be the proper person?—If there were no permanent Chairman, I should then say the Inspector of Factories.

FRIDAY, 11TH OCTOBER, 1907.

WILLIAM PRYOR examined. (No. 27.)

1. *The Chairman.*] What are you?—Secretary of the New Zealand Employers' Federation.
2. You have come here to give evidence with regard to this Bill?—That is so.
3. On whose behalf?—The New Zealand Employers' Federation.
4. You have seen the Bill, and considered it?—Yes.
5. Will you please tell us what you think of it, in your own way?—In the first place, Mr. Chairman, the Federation is distinctly of the opinion that the best settlement of the whole difficulty would be met by a provision that all disputes should be referred direct to the Arbitration Court, or Courts, if it were deemed necessary to appoint two Courts. The Federation feels that if that course were adopted there would be more true conciliation effected than it is possible to get under such conditions as are laid down in the Bill. What I mean is this: that immediately you set up by law a tribunal of any sort, the spirit of true conciliation is removed and the spirit of compulsion enters. If all disputes have to be referred direct to the Arbitration Court all parties would realise that only certain things could be obtained from the Court. What I mean is that standard award conditions would be laid down. The employers, for instance, would know as the result of previous decisions of the Court that it would be useless asking for ridiculously low wages to be awarded. The workers, on the other hand, would know just as certainly that it would be absolutely useless to ask for ridiculously high wages. The same thing would apply to other conditions, and the result would be that, instead of the parties being anxious to refer the matter to any tribunal, they would meet together with the single idea of coming to a settlement on the basis of the Arbitration Court awards. If you have either Conciliation Boards, or Industrial Councils, or any inferior tribunals set up like those, no matter what you call them, you have always the position that one side or other is hopeful that it will be able to obtain better conditions from this inferior tribunal than they could obtain from the Arbitration Court. Notwithstanding that opinion, the Federation, having in view the request of the Minister of Labour for a trial of the Industrial Councils, and his expressed intention of giving the system a trial, has agreed to the setting-up of the Industrial Councils if certain modifications are allowed. I would like to say, too, that the Federation—and I am sure I am speaking for the employers of the Dominion generally—will also give the system a thoroughly honest trial, and if it be successful there will be no stronger supporters of the system than the employers of labour throughout the Dominion. I may say that the proposals the Federation is submitting to the Committee, a copy of which I have handed to you, sir, have been arrived at as the result of exhaustive consideration both on the part of the various affiliated associations and of the Parliamentary Committee of the New Zealand Employers' Federation. While there was, as is only natural, some difference of opinion at the outset, the proposals I am putting before you now are those which were unanimously agreed to by all the bodies affiliated with the New Zealand Employers' Federation. I will deal now only with the proposed alterations to the Bill, Mr. Chairman, and the first suggestion is in connection with section 5, subsection (3), that the Industrial Councils should consist of five members only, two from each side and the President or Chairman. The Federation feels that quite as good results, if not better, will be attained by this restriction of membership. In some cases it will be difficult for either one side or the other to secure three capable men, and if two on each side cannot come to a satisfactory settlement it is believed that it will be just as impossible for three or more on each side to do so, perhaps more so. Section 5, subsection (4): We ask that permanent Presidents be appointed by the Government, two for each Island, or four for the colony, and we make a special point of urging that the salary offered should be sufficient to induce competent men to accept the positions. Both Mr. Booth and Mr. Bennett will deal more largely with this point, so I will just leave it here. Section 5, subsections (5) and (6): We ask that the words "or have been" in these two clauses be struck out. We think that those sitting on these Councils should consist only of those who are actively engaged in the industry. To provide otherwise will open the door to some degree of abuse, at any rate, because on either one side or the other some persons may engage themselves to an industry for a very short time in order to raise a claim that they have a right to sit. I might say that quite a number of Wellington unionists, in discussing this matter, have told me that that would probably happen. Then, we feel that if you confine the *personnel* of these Councils to those who are engaged in the industry you secure those who are quite up to date and in touch with absolutely present-day conditions. We ask also, in connection with subsection (6), that the second paragraph be struck out altogether—"Provided that under special circumstances, and with the approval of the Minister of Labour, persons who are not and have not been workers engaged in the said industry may be so recommended and appointed." We are not aware of any reason why the principle of the *personnel* of the Council should be given away in that manner. What I mean is, that if it is agreed that the Council should consist of experts and those who are engaged in the trade, there shall not be left this loophole for others to come in. Subsections (10), (11), and (12) will, of course, not be necessary if we have permanent Presidents, as these are machinery clauses which deal with the election by members of the Council. Section 10, subsection (1): We ask that this should be altered to read, "The presence of the President and an equal number on each side shall be necessary to constitute a sitting of the Council." As it reads here, it is the President and four other members of the Industrial Council which is necessary to constitute a sitting of the Council. Well, in a Council of seven members there would only be three employers and three workers.

6. You would have the representatives on each side equal?—Yes, it must be equal. If you have a Council of seven, you must have three on each side, or two, and if you have a Council of five you must either have two or one on each side. Clause 18, subsection (1): We ask that the words "apply to the Court for leave to" be struck out. We think that if either party is dis-

satisfied with the award of the Council there should be a clear option of referring the matter to the Arbitration Court. If that is done in subsection (1), then subsection (2) will be done away with. Mr. Booth will refer to this, and make a proposal of a specific character. We have suggested another clause altogether.

7. You would not make it necessary to apply to the Court for leave to appeal?—As at present, either party will have the right to appeal to the Court if not satisfied with the decision of the Council. In connection with subsection (8) there is a very important point to be considered. It reads, "The pendency of an appeal shall not suspend the operation of the award appealed from." We want that word "not" taken out so as to reverse its meaning. The position is this: If the Industrial Council makes its award, and the clause remains as it is, then the employers have to alter the conditions of their business to comply with the award of the Council—it does not matter how unfair or inoperative the award may be. The case is taken before the Court, and a different award given, and again the conditions under which that trade is working have to be altered. This would, of course, be utterly impracticable, and we feel in asking for this alteration that we are making a reasonable request, and a request that will appeal to the Committee as reasonable men. Section 21 is objected to altogether—"Industrial Agreements." In the first place, we hold that it is absolutely unnecessary, because what is aimed at is more simply secured under the present Act. At the present time if either party desires that all engaged in an industry shall be made parties to any agreement that is arrived at, they only require to cite those parties and ask that the agreement should be made an award. Under the proposals contained in this clause it will be possible for a number of employers who have the majority of workers in the industry in their district in their employ to enter into an industrial agreement which suits their particular conditions, and if made an award without the others who are proposed to be bound by it having any opportunity of placing their case before the Court, the mere fact of the employers employing the majority of the workers should not give them the right to have those bound who have had no say in the framing of the agreement. To show you how inequitably such a proposal would operate, you might take the case of the Wellington printers— say, Messrs. Whitcombe and Tombs, Ferguson and Hicks, the *New Zealand Times*, and the *Evening Post*. These undoubtedly employ the majority of workers in Wellington City outside of the Government Printing Office. They are all large firms, and have thoroughly up-to-date machines, such as linotype machines, &c., and the conditions which would be favourable to them and thoroughly applicable would probably mean the ruination of smaller employers engaged in their legitimate business, and we feel that the Legislature does not desire in any way to cripple the small employers even though they be engaged in a small way of business. Taking that into consideration, with the fact that the clause is not necessary because of the machinery already in the present Act, we think the Committee should have no hesitation in striking these proposals out altogether. Section 22: We ask that the words "or any party to the award" be struck out.

8. Leaving it entirely in the hands of the Inspector?—That is it exactly. Then those who require action to be taken would require to go to the Inspector, satisfy him that there has been a breach of the award, and so prevent frivolous cases being taken. The employers, at any rate, are quite prepared to put the onus of action on the Inspectors and to place their cases in their hands to that extent. Sections 22 to 28, dealing with the enforcement of awards by Magistrates: We object, and object very strongly, to Magistrates taking enforcement cases. We fear that if this were done we should have all sorts of decisions in these cases for similar offences—one employer perhaps fined £10, another £1, and another, it may be, getting off scot-free for practically the same offence. We say that the framers of the awards are the best arbiters of these matters, and that we should get greater similarity in decisions. We ask, then, that these enforcement cases may be decided by the Arbitration Court. If permanent Presidents were appointed in the way we suggest—which is a matter of four for the colony—and applying our principle of the framers of the awards being those who hear enforcement cases, we might possibly be got to agree to these permanent Presidents being the Judges in these matters, but we should do that simply in the spirit of compromise. We object so strongly to the cases being heard by Magistrates that, while we feel that the Arbitration Court only should adjudicate on them, sooner than risk their going before the Magistrates we would accept the permanent Presidents as a compromise. We ask, too, that all fines in connection with enforcement cases shall be made payable to the Crown and not to the parties, as provided for in section 26. Section 34, subsection (2), provides that, unless within three days after the service of such notice the defendant delivers to the applicant a notice of his intention to oppose the application, he shall not be entitled to oppose it except with the leave of the Magistrate. We think this clause ridiculous. In many cases it would be absolutely impossible for a person served with a notice to state what his intention is within three days of receiving the notice, and we think that, as at present, the defendant should have the right to plead when he goes to the Court. As a matter of fact in actual practice, especially amongst organized employers—I mean those who are in close connection with the Employers' Associations, and these are a considerable number—there are sufficiently confidential relations between the Association's secretaries and the Inspectors, so that they know before the case comes on, as a matter of fact, what is going to be done; and, so far as the Federation is concerned, and so far as I am concerned as the chief executive officer of the Federation, I have for some time been doing what I could to foster that spirit. I think the more frankness and openness there is between the employers and the officers of the Department, the more chance there is of a better understanding of the position and a better settlement of these matters when they happen to be in dispute. And I would like to say, too, while here, that we find that the officers of the Department have met us quite half-way in that spirit. So that we ask that this subsection should be struck out, as there is no need for it, and it would be very unjust in its operation. Section 39: We ask that this clause be struck out altogether. There is no need for the clause if the Inspectors take all cases of breach of award, which we have

already indicated is our desire, and which we ask for in our proposed amendment to the principal Act, which I will deal with presently. Section 40: The Federation objects strongly to any extension of the definition of "worker." The Federation realises that in thus altering the definition of the word "worker" it means that all classes of servants will be brought under the operations of the Act. The managers of any business whatever, such as Sargood, Son, and Ewen; Kirkcaldie and Stains (Limited); the D.I.C.; foundry foremen and managers—in fact, as I say, all classes of servants—will come under the Act, and the Federation is very strongly of opinion that it is extremely undesirable to bring under the operations of the Act those who are in responsible positions and who are really representatives of the employers. If you bring these under the operations of the Act, and so make them amenable to the awards of the Court, you practically force them into the unions, and sooner or later there is bound to be some difference of opinion between the employers and the unionists as a union, and you will have these responsible persons in the position of having to serve two masters. They will either have to side with the union and thus be unfaithful in their position as the employers' representatives, or they will have to do their duty to their employers and expose themselves to the odium attaching to scabs and blacklegs. It would also bring in shipmasters and the captains of our vessels, who are distinctly the owners' representatives, and who, we feel, should not be placed in such a position as that. It also makes it absolutely certain that domestic servants should come under the operations of an award.

9. Do they not now?—I hold that they do, but others who are looked upon as authorities do not agree with me. I was informed the other day on pretty good authority that the Attorney-General himself does not agree that domestic servants come under the Act now. I should like to know how they are exempt. I think that the postion as regards the domestic servants should be faced by this Committee, and that it should be made quite clear that they do not come under the operations of this Act, and that our homes are not put under factory conditions Sections 43 and 44: These are the sections dealing with the reference of cases to the Board or Court, or to the Industrial Council or Court. We have always held that under the existing Act it required that when the ballot for referring disputes was sent down to the members of the unions complete copies of the workers' demands should be sent to each worker in the union, so that they might be able to express their views intelligently and understand exactly what they were voting upon. The decision of the Arbitration Court is against this, however, and it has been held that a simple resolution to refer the demands to the Board or Court, as the case may be, covers all the requirements of the Act at present, and we ask that in connection with the ballot and the referring of matters to the Industrial Council provision be made for full copies of the demands and proposals being sent to members of unions with the proxy forms. And we also ask that subclause (*c*) of clause 41 be altered to read that the proposal shall be deemed to be carried if and not unless the majority of the members of the union vote in favour of the proposal either personally or by proxy. It appears to us reasonable to say that if there is a legitimate grievance or grievances there should be no difficulty whatever in getting a bare majority of the union to vote in favour of referring a dispute to the Council or Court. Section 45: We agree with the principle of this section absolutely. We have always maintained, however, that one month instead of three months is a sufficient time. We feel that in the great majority of cases in connection with under-payments there is collusion between the employer and the worker.

10. Are not both equally punishable?—Yes; but if you apply that principle the workers will not agree to it. Both can be cited for the breach of award, but the conditions are different—necessarily so. What I want to say is that the Federation is not desirous of shielding the unscrupulous employer. The Federation recognises that the employer who lays himself out to beat the award is getting an unfair advantage over the respectable and fair employer. At the same time they feel that the workers should not be allowed to go on accepting less wages and then come in after great length of time or practically when it suits them.

11. An unlimited period?—Yes, an unlimited period, and make demands for the back wages. I noticed that, in reply to a deputation, the Minister practically agreed to some alteration in this clause. We think the principle should not be departed from; but if it be made that back wages are to be paid, then any back wages that are ordered to be paid should not go to the worker, but to the Consolidated Fund. In other words, you would get at the unscrupulous employer and would not be giving the unscrupulous worker an unfair advantage over the ordinary worker.

12. That is, if collusion is proved?—Yes, in the case or ordinary wages. With regard to overtime the position is absolutely different. A man may be working overtime or he may not be, and we have a case in connection with Mr. Fairway's business, where a man was working for him a considerable time as cook, putting in the ordinary hours so far as Mr. Fairway was aware; but when, on account of some difference Mr. Fairway was compelled to dismiss this man, he made a claim, if I remember aright, for £30 or £40 for unpaid overtime.

13. Which had been allowed to sleep?—Yes, for all that length of time. You can understand how almost impossible it is for an employer to prove that a man has not worked overtime, and that all it is necessary for an unscrupulous worker to do is to make a claim for a lengthened period and to get some one equally unscrupulous as himself to corroborate his evidence, and the unfortunate employer is absolutely in his power.

14. Do you mean to say you can give us a case like that?—I have given one. In Mr. Fairway's case the position was this: The man was in Mr. Fairway's employ as cook for over twelve months. He made a claim for overtime for something over £40. Mr. Fairway had no evidence to actually disprove the claim, or any of the items of the claim: all he could say was that, so far as he knew, the man had not worked the overtime; and I believe that, if it had not been for the man overreaching himself, Mr. Fairway would have been mulcted in the expense.

15. Did the case break down?—Yes, the case broke down through this man producing a document which, I am advised, was so absolutely a faked document that he killed his own case. We think that the workers know when they work overtime, and it is clearly their duty to claim it on the next pay-day, and if they do not claim it then they should have no right to do so afterwards. Section 46: We agree with the principle of removing the onus of proof of age from the employer, but we think the matter should be made more simple still by making a written statement of age by the worker sufficient proof of age so far as the employer is concerned. The production of a certificate of age granted by an official of the Labour Department will result in considerable trouble to the officials, and to both the worker and the employer in many instances, especially where there is some little difficulty in actually proving the age; so that we think if the provision were made simply providing for a written statement of the worker of his age it might be sufficient to secure the employer, at any rate. Clause 47: We are not expressing strong opinions one way or the other with regard to this clause. We have never asked for it, but if it be included we want it made perfectly sure, as was promised by the Minister, that ample provision shall be made to prevent these surplus funds being retained by the unions. We see in the proposals as it stands at present a grave danger, in that if the unions take full advantage of the right to compel the payment of contributions by non-union members, a fund of hundreds of thousands of pounds could be established, which might be used in many very evil ways. We also ask that there should be an addition made to subsection (1) of the clause if these provisions are included in the Bill, giving the right to employers' associations as employers' associations to demand and receive contributions. I believe that was the Minister's intention when framing the Bill. I believe he thought he was doing that, but the position with regard to the employers is different from that of the workers, and want of acquaintance with that position has caused the mistake. The employers' associations throughout the Dominion are doing a similar class of work for the employers that the trade-unions are doing for the workers. Anyway, it is the employers' associations and Federation that have borne the heat and burden of the day for the employers, and the Federation feels that if there is any financial advantage to be gained by the operation of this clause special provision should be made for the employers' associations to take advantage of it. Our industrial unions of employers are on a different footing altogether from the industrial unions of workers. The industrial unions of employers are sometimes simply limited-liability companies, registered largely for the purpose of getting the opportunity of voting for the representatives of the Arbitration Court, and perhaps for some little advantage that might accrue to being registered under the Act when cases are being heard before the Court. Other industrial unions of employers are registered under the Act to give them a corporate standing, and are largely trading associations dealing with internal trade matters, and not doing in many cases the legislative work which industrial unions of workers do, simply on account of that being done by the employers' associations; and we ask that a clause something like this be added to subsection (1) of clause 47: "And any employers' association affiliated with the New Zealand Employers' Federation shall have the same privilege to apply to the Court for the right to demand and receive from industrial unions of employers which are not members of any employers' association in the industrial District in which such unions have their registered offices, and from employers who are bound by any award or awards of the Court and who are not members of either an industrial union of employers or of an employers association in the industrial district in which such award or awards of the Court are operative, annual or other contributions to the funds as provided for in the rules of such association as being payable by its members." That proposal will strike the Committee as being so fair that we do not intend to take up any time in referring to it. Section 48: The Federation objects to the onus of putting up copies of awards, but it will agree to the unions placing these up in conspicuous places. Mr. Bennett will refer to this provision, as it specially affects the building trade. The Federation also objects to section 49, with which Mr. Bennett will likewise deal. I have now to refer to some proposed amendments of the principal Act. With regard to the prevention of strikes, the Federation feels that the onus of preventing strikes should be absolutely placed on the unions. If the unions have not the power to regulate these matters, then they are not fulfilling their true functions. Because if a union does not appear formally in a strike it is well known, as in the case of the slaughtermen's strike, that it is behind it the whole time. We think, therefore, a return should be made to the underlying principle of the original Act, under which unions were held to be primarily responsible under a penalty not exceeding £500. Clause 60 of the principal Act: We ask that this be altered or amended by substituting for the word "either," in the first line, the word "any," applying it to any industrial union or industrial association or a majority of the employers cited. The position at present is a very unfortunate one for employers if they desire to refer a case direct to the Arbitration Court. The words "either party" were supposed to mean and were acted upon in the early days of the Act as applying to the union on the one hand or one of the parties to the dispute on the other hand; but owing to a decision by Mr. Justice Cooper "either party" was held to mean the collective body cited. So that the union of workers, by merely having the reference to the Court signed by its executive officers, its president or secretary, or three persons, could refer the dispute direct to the Court. It is impossible, however, for the employers to refer a dispute to the Court unless every person cited signs the reference. We have a case just to-day in connection with the drivers' dispute. There are either 238 or 283 employers cited—I cannot now remember which. It is exceedingly desirable that this dispute should be referred direct to the Arbitration Court, and yet it is utterly impossible to get these 238 or 283 persons, as the case may be, to sign the reference. We think we should not be in that position. We will agree that a majority of those cited should sign the reference if there is no industrial union of employers interested in the matter, but where there is an industrial union of employers we think we should have the same right of reference as the industrial union of workers. In breach-of-award cases we think that the initiative in all cases of alleged breach of Arbitration

Court awards be taken by the Inspector duly appointed under the Industrial Conciliation and Arbitration Act, and that all fines imposed by the Court be paid into the Consolidated Fund. We think this is a necessary provision. We are prepared to take the responsibility of putting the matter entirely into the hands of the Inspectors, believing the Department will see that justice is done to each side. We think it is wrong that a position such as occurred in Gisborne should be allowed to obtain, where the Department, after inquiry into an alleged breach on the part of an employer there, decided that the matter could be settled without going into Court. The union, not being satisfied with that position, came behind the Department and behind the employer, cited the employer for breach of award, and, unfortunately, in that case—I think the only case in which it did happen—the Arbitration Court fined the employer for a breach that had been settled and to a certain extent condoned by the responsible Department. I say we think such a position should not be allowed to obtain, and that a Department which realises its responsibility in the way the Labour Department does is quite fitted to take the responsibility of dealing with these matters. There is another aspect to the case, too, put very forcibly by Mr. Justice Sim in Christchurch recently, in that the right of the unions to take these breach-of-award cases to the Court themselves appeals to their cupidity, because, if successfully prosecuted, the amount of the fines goes to the union. So that whatever is done in connection with this matter it should be laid down that all Arbitration Court fines should go to the Consolidated Fund. Publication of dissents from awards: We think that whenever any member of the Court desires to dissent from a Court award—that is, to put in what may be called a minority report—such dissent should appear in the Book of Awards and be attached to the actual award.

16. Do you mean it is not recorded at the time the award is given?—Yes, at or about the time the award is given. The proposal is that the following subclause be added to section 84 of the principal Act: "Any member of the Court wishing to dissent from the majority may do so in writing, and such dissent shall be attached to the award:" It is in connection with section 84, the President delivering the decision giving the right to any particular member of the Court to record his dissent in writing, and to have such dissent attached to the award. This has been done previously—dissents have been attached—but just recently, I understand, the Department took up the position that, while it agreed to publish the dissent in the *Labour Journal*, it would not agree to publish the dissent in the award. Now we want these dissents, if they are of any value at all—they are of value as records in connection with the awards—to be published in connection with the awards. Section 4 of the Amendment Act of 1905 empowers the President to state a case for the opinion of the Supreme Court, or to obtain a decision of the Court or Judges thereof: we ask that that section be amended by inserting the word "Court" in place of the word "President" in the first line, so that a majority of the Court might do it if they wish it. And in connection with the citation of the parties—section 3, (*a*), of the Act of 1905—we desire the insertion of the word "shall" in place of the word "may"—that the Court "shall" inquire whether reasonable steps have been taken. Then, in connection with the proposal for contributions by non-members of unions. If that proposal is adopted it will be necessary to repeal the preference-to-unionists clause. It would never do to have the two proposals in the Act, and the principal Act will have to be amended in that direction. The only other thing I wish to bring under the notice of the Committee is the position in connection with the Wellington Cooks and Waiters' Industrial Agreement, which came into force as the result of recommendations by the Wellington Conciliation Board. The Federation has taken up the matter, and asks that in view of wrong information having been given by a Supreme Court official as to the expiry of the time within which a dispute could be referred to the Court of Arbitration, in consequence of which the employers were misled and prevented from referring the dispute to the Court, a clause should be inserted in the Act giving the Court the right to allow any case to be referred to it for rehearing, notwithstanding the expiry of one month, if in the Court's opinion the circumstances of the case are such as to warrant such right being granted, and that such legislation should be made retrospective, so that it will cover the case under notice.

17. Does that finish your statement?—Yes.

SIDNEY KIRKCALDIE examined. (No. 28.)

18. *The Chairman.*] What are you?—Chairman of directors of Messrs. Kirkcaldie and Stains (Limited).

19. Drapers?—Yes.

20. Have you seen this Bill?—Yes.

21. Will you please tell us how it will affect you or those you represent?—The reason I have come is more particularly to give evidence in reference to the clause in the Bill which provides for referring a dispute to the Arbitration Court which has been once dealt with by the Conciliation Board—practically the postion in connection with the Cooks and Waiters' Union. You have already heard that the Cooks and Waiters' Union cited various employers and created an industrial dispute, and that the employers, through information given to them at the office of the Registrar, were either one or two days late in lodging their notice of objection. The case, of course, went by default in favour of the union, and repeated applications that have been made to the Arbitration Court, and also to the Conciliation Board to obtain a rehearing of this dispute have been ruled out of order. I understand that the Conciliation Board recognises that a mistake has been made on their part owing to the information which the employers had to give them not being available at the time the Court drew up their recommendations. So much so were they aware of this fact that they were quite prepared to receive their recommendations back from the Arbitration Court and to reconsider the whole position if granted the power to do so. Application was made, I think, to Mr. Justice Cooper, and a special case was stated for him; but he replied that

he had no power to send these recommendations back, and that they now had all the force and effect of an industrial agreement. You have heard already how it affects the oyster-saloon keepers, and I propose to shortly tell you how it affects us personally. Included in the Cooks and Waiters' Union agreement are provisions dealing with tea-rooms, oyster-saloons, hotels, restaurants, and private boardinghouses. When the position was discovered that this award was in force I naturally took the recommendations and turned them up to see where I stood in the matter. In the first place I found that, although we have a tea-room only, we were classified as keepers of a restaurant, and a restaurant, in my interpretation, is a place kept open for supplying meals at all hours of the day and night. We open our tea-rooms to the public at about 11 o'clock in the morning and meals practically cease at about half past 4 in the afternoon. I turned up the clause providing for rates of wages, and found that for restaurants the wages were 17s. 6d. per week, with an additional allowance of 5s. if meals were not provided. Well, we provide our girls with meals, so that 17s. 6d. was the ruling rate of wages for us. A little while after this the secretary of the union came along and said that we were committing a breach of the award, inasmuch as we were not giving our girls 5s. a week extra because we did not lodge them, and he showed me a clause (5) which states that all classes of hotel-workers had to receive an additional 5s. per week extra if lodging was not provided. This applied to hotel-workers, but I was referred again to clause 19, and found that the recommendations stated that the provisions of clause 5 should apply to persons employed in a restaurant. It is not hard to believe that hotelkeepers can easily provide their employers with accommodation both for lodging and board, but to ask a proprietor of a tea-room to provide his servants with lodging was to conceive something which was never before the Conciliation Board in the application. I do not think, sir, Mr. Booth could have taken a better example of the difficulties arising in connection with the Industrial Councils, if allowed to proceed without some organized method of dealing with the conditions of labour, than this Cooks and Waiters' case. Here is a case where a one-sided story was presented to the Conciliation Board. The Board never heard the other side, and the experts on the unions' side were anxious to get as much into their claim as possible. The difficulties we have been placed in have prevented many from being able to carry on. I understand Mr. McParland has some information to give in contion with hotels, but I believe the clause asked for here will be found to be more necessary if the Industrial Councils go through than in the past under the old Act.

22. You have been giving evidence in connection with a block in the machinery that was not anticipated?—Yes, that is so.

23. And also with regard to difficulties in connection with the interpretation of awards?—Yes.

24. *Mr. Arnold.*] Why were not the views of the other side placed before the Conciliation Board?—Unfortunately the Conciliation Board was so long in the position of an intermediate Court that no definite conclusion could ever be come to, and it was our intention to go direct to the Arbitration Court.

25. The employers really intended to go on to the other Court?—Yes.

26. *The Chairman.*] And you took no measures to be represented before the Board?—No.

JAMES FAIRWAY examined. (No. 29.)

1. *The Chairman.*] What are you?—Oyster-saloon keeper.

2. Where?—Cuba Street, Wellington.

3. You wish to give evidence on matters connected with this Bill?—Yes. I would ask that the Bill be amended—that the recommendations made by the Conciliation Board in the case of the Cooks and Waiters be referred to the Arbitration Court.

4. This is the case to which Mr. Pryor referred?—Yes. The hours fixed by the Board are entirely unsuited to our business. The business of an oyster-saloon is done principally in the evening, and the hours fixed by the Board were from half-past 5 in the morning until 8 o'clock at night. Therefore, to carry out the recommendations, it would be necessary for oyster-saloon proprietors to pay their employees overtime from 8 o'clock to 12 at night, when our business closes. The oyster-saloons practically do no work in the morning, therefore the hours for commencing were fixed four hours too soon. In the business we do we could not possibly pay overtime to our employees from 8 to 12 at night, the time at which we close.

5. Can you give us any reason why you did not get your difficulty before the Court?—A wrong date was given by the official, and our objections were made one day too late.

6. In the first place your case went before the Conciliation Board?—Yes.

7. And they gave a decision?—Yes. Some members of the Board acknowledged that they had made a mistake in our case, and the union also acknowledges that.

8. But the decision was given?—Yes.

9. And then you appealed to the Court to take the case on?—We tried to, but we were not successful.

10. Why did you not get your case on at the time—a certain time is allowed within which to do so?—Yes, one month.

11. You knew the date when it was before the Conciliation Board?—Yes, and I sent the objection, but it reached the Registrar one day late.

12. Do you think it was due to any postal irregularity?—It was due to an officer in the Registrar's office.

13. Did he give you a wrong date?—He gave the secretary the wrong date.

14. He had made a mistake?—Yes.

15. You do not suggest that he wilfully misled you?—Oh, no!

16. In acting upon the information given, you got your objection lodged a day later than it should have been?—Yes.

17. And the Arbitration Court ruled it out?—The Court had no power to deal with the case.

18. You ask that a provision should be made in the law to enable you to get over your difficulty?—Yes.

19. Is there any other point you wish to bring before the Committee?—No.

20. *Mr. Barber.*] You gave the hours the employees work in connection with your business. You do not work the full length of those hours—what hours a week do the employees work?—Sixty-five is the number stated by the recommendations of the Board.

21. If the hours are extended as you ask, you will have to employ two shifts: you do not ask for those extended hours?—No, we want permission to start later in the morning, and to work later at night.

22. Do you only keep one staff?—Yes.

23. And what time do they start?—At 10, and work till 12. We are committing a breach by doing so, but the union has not cited us. The hours are fixed in a wrong manner for the conduct of our business.

WILLIAM HENRY BENNETT examined. (No. 30.)

1. *The Chairman.*] What are you?—Building contractor, and president of the New Zealand Builders' Federation.

2. Where do you live, and carry on business?—In Wellington.

3. Have you seen the amending Bill of the Industrial Conciliation and Arbitration Act?—Yes, I have seen it, and I have also advice from our various Builders' Associations throughout the colony, and it is on their behalf generally that I speak.

4. So you represent something more than your individual office?—I represent every Building Association in New Zealand with the exception of the west coast of the South Island.

5. Will you make your representations in your own way?—The Building Associations of the Dominion have urged for years that the Conciliation Boards should consist of experts in the various disputes arising. That being so, we can do nothing less than support the proposal of the Industrial Councils. The only objection we have is as to the manner in which the Chairman shall be elected. Our experience with the Conciliation Boards has been that in many cases it has been impossible for the members to agree upon the choice of Chairman, and the Government has had to step in and appoint the Chairman. In many cases that appointment has not been satisfactory. I speak now more particularly of the late appointment to the Wellington Board, which we consider—from our standpoint, at any rate—was altogether wrong. We do not think a gentleman should occupy that position who has extreme views or is a faddist; but think that a gentleman should be appointed who has an open mind, and a judicial mind. For that reason we urge that if the Industrial Councils become law there should be permanent Chairmen appointed with legal minds. The building trade probably is affected more by this Act than any other trade in the Dominion. We are working at present, most of us, under some eight, nine, and ten different awards, and we fear that if these Industrial Councils are set up with the Chairmen elected by each trade, as the dispute comes along, great confusion will ensue in connection with the awards—that they will cross one another—and that in each industrial district different conditions will arise which will upset trade generally. I do not know that I need enlarge upon that matter any further. We think that permanent Chairmen should be appointed. The matter of the salary is one which the Government should deal with. The proposed number—seven—to constitute the Board is, we think, rather large. It could be very well reduced to two representatives on each side, with the Chairman, making five altogether. Those forming the Industrial Council should be actually engaged in the industry they represent. Our associations also are of opinion that section 10, subsection (1), should read that an equal number, with the Chairman, on each side, should form a quorum. It should not be made possible for a quorum to consist of three on one side and two on the other, or two on one side and one on the other, and we think there should be an equal number on each side, with the Chairman. In connection with clause 18, it is proposed that immediately an award is made by the Industrial Council it should become law. We rather object to that. We think that one month's time should be given, so that an opportunity should be given for an appeal. In connection with clause 26 we think that all fines should be paid to the Crown. We are also strongly of opinion that all breaches of awards should be taken by the Inspector. You will pardon me, perhaps, if I enlarge a little on this point. We have in Wellington at the present time several awards that contain a preference clause—a preference clause that looks very inoffensive on the face of things, and a clause which has not given us very much trouble except in one case; but that one case has proved to us that the matter of preference, if carried to its utmost limit, would land this country in needless trouble and litigation. In connection with one industrial union in Wellington there is a paid secretary whose duty it is to look after the union's affairs, and he visits, I think, every shop in the city day after day, or every two or three days, and I make bold to state that if you inquired of the Labour Department they would tell you that it occupies almost the whole of one officer's time to inquire into the alleged breaches of awards brought under their notice by this man. I also make bold to say that when this officer has inquired into the alleged breaches it is found that quite three-fourths of them are considered frivolous and simply a cause of annoyance to those concerned. That being the case, sir, it shows how necessary it is that all these alleged breaches should be inquired into by a responsible officer with an unbiassed mind, and whose duty it should be to see whether there is any case to trouble the Court with or not. We think that in every case justice will be done both to the workman and the employer if this is done by the Department.

In clause 44 it is proposed to force employers to post up copies of the various awards in their works. Well, you will readily understand that that is going to be a very awkward matter in connection with the building trade. Practically every job we have becomes a place where we should have to post up an award, and when you are working under eight, nine, or ten different awards this becomes a serious matter, and we are liable to be fined if we do not comply with the Act. We have no objection to the workers posting these awards up if they think fit, but we rather object to being obliged to do it ourselves. Clause 49 interests us also, probably more than other people. It provides that no one shall be bound apprentice after he reaches the age of twenty-one years. Well, our Carpenters' award at present provides that a lad who has worked any number of years less than those set down in the award as the term for which a lad shall serve to make himself a journeyman—if he has worked any number of years less than that number he must be bound for a term making up the necessary five or six years, as the case may be, to complete his time and make him a journeyman. I will give a case in point, which will perhaps explain my meaning better. Last year a young man came to me who had been working in a country district round about farmers' buildings, where the awards are practically taken no notice of, and he had worked some four years at the trade, and was a good rough carpenter. He came to Wellington at the desire of his friends, with the ostensible purpose of completing his knowledge of the trade and attending the local technical school; but he was unable to get work of the particular class he wanted—namely, shop-work—to make him a competent man. As president of the local association, he sought my assistance, and after considering his case for some time, I wrote a letter and sent him to the local Carpenters' Union, and said what I proposed to do. My proposal was that this young fellow should bind himself to some local builder for twelve months to make himself perfect in the joinery branch of the business. After some little correspondence the Carpenters' Union agreed. They also agreed to the amount which he was to receive, and that young fellow bound himself to me. I was not seeking him. He came to me for assistance, and I was willing to help him. He bound himself to me for twelve months, and a portion of that agreement was to this effect: that I was to keep him in the shop and teach him the joinery branch of the business, but if I were to send him outside the shop I was to pay him a journeyman's rate of wages.

6. Do you mind giving me the name of that young man?—McKenzie. One thing, too, which made a break in his learning the business was that he went away with one of the contingents to South Africa. There are many cases like this—young fellows coming with their parents from England, and who have not finished their trade. If thrown upon the market there is a chance that they will become incompetent men, and we think provision should be made by which these young fellows can be made capable tradesmen. Clause 50, relating to permits: We heartily support the proposal that these should be granted by the Inspector. We think the Inspector is the proper person to make inquiries and to grant these permits. The unions practically object to grant any permits, and if they are sent on to the Chairman of the Conciliation Board there is a lot of trouble. He has not the time necessary to inquire into the merits of each case, and therefore, we think, the Inspectors are the proper persons to do so.

GEORGE THOMAS BOOTH examined. (No. 31.)

1. *The Chairman.*] What are you?—Manufacturer.

2. Where?—Christchurch.

3. Have you seen the Bill now under discussion?—Yes. After the minute manner in which Mr. Pryor and the other witnesses have dealt with the various points in the Bill, I think I had better make my remarks rather more general in character, and unless the Committee desire it, I will only refer to two or three special points. I would like to say, in the first place, that the feeling of the employers towards this proposed amendment Bill, so far as I have been able to ascertain it, is favourable. It is felt that the Bill bears evidence on its face of a sincere and earnest desire to deal fairly and justly with both the parties concerned—I should say all the parties, because the employers and employees are not the only parties. It is very pleasant to say this, because we have had occasion during past years to find fault with the labour legislation on the ground that it has been one-sided, and that there has not been sufficient attention paid to the various interests involved. This feeling, I think, is general amongst employers, and you will understand that if we criticize the Bill we do so in no captious spirit, but with a desire to be loyal to the Government and with every intention to assist it to carry its proposals through successfully. In respect to the Industrial Councils, these appear on their face to be exactly the right thing. They are, in fact, pretty much in line with the suggestions made by various employers' associations for some years past. If it is decided to carry these clauses into effect, with some of the amendments suggested, there seems to be not much reason to doubt that the Industrial Councils will be successful. The first amendment of importance is as to the appointment of Chairman. I am not sure that so many as four permanent Chairmen will be necessary to cover the whole work, but I do think it is very important that permanent Chairmen should be appointed, and that it should not be left to each Council arising out of each dispute to elect its own Chairman. With regard to the coming into effect of an award or recommendation of such Council pending appeal to the Arbitration Court, I strongly support what Mr. Pryor said, and I think I can give you good reasons for doing so. In the first place, I think the Industrial Council, if enacted, should be regarded as one of the steps in the direction of bringing the parties together by way of conciliation, and that nothing in the shape of compulsory rendering of awards by this Council should be allowed. Moreover, whether the Council takes the form set out in the Bill or some other form, I think it is undesirable that any lower Court should have the power of giving a final award, even though it should endure only for a short time, because it is absolutely necessary that it should go to the higher Court for review even where the parties have got on to common ground before the lower tribunal.

The reason for this is that it is highly essential in the interest of the proper development of industry that there should be uniformity in the conditions applying to employment as between industry and industry in the same locality and as between locality and locality. Now, the Court of Arbitration has been trying for many years past to arrive at a set of fixed principles, if you may so describe them, which they shall apply in all cases as far as possible, with a view to getting uniformity, and if you place it in the power of any lower tribunal—especially if the tribunal is constituted as proposed here—to make a final award, which, if no appeal be made to the Arbitration Court, becomes operative at once, and even if appeal is made to the Arbitration Court may still come into operation with slight amendment, then you have the danger of endless confusion as between one class of industry and another and as between one locality and another. I think I shall not be charged with criticizing these Industrial Councils captiously if I refer to some reasons which I think will operate against the scheme being carried into useful effect. You will notice that it is proposed that separate Industrial Councils shall be set up to deal with each dispute that arises, and that when that dispute is disposed of that particular Council ceases to exist. Well, now, there are a great number of disputes arising throughout the Dominion, and it would mean that a very large number of individuals would be required to constitute these Industrial Councils. It would be very difficult, in the first place, to find qualified representatives—of employers, at any rate—in certain cases without going outside the immediate district or employing persons who are actually interested in the dispute in question. I might mention, for instance, the woollen-manufacturing industry. Supposing a dispute arose in the Christchurch District—there is only one woollen industry in the district—you could hardly expect them to put two of their directors on the Council, and they would have to send to Wellington or to Auckland for these people. There would also be considerable expense for travelling-expenses and fees. The direct cost would be considerable, and the indirect cost would be more considerable still. If you had a hundred disputes with a Council, in each case consisting of seven members, that would mean seven hundred persons withdrawn for so long a time from active work or business, as the case might be, and that would represent quite an appreciable loss to the industrial capacity of the Dominion. But the most serious objection, I think, is the one to which I have already referred, that with such a multiplicity of Councils, possibly no two members ever repeating themselves, as it were, each Council being entirely distinct from every other in *personnel*, you would get such a multiplicity of awards that the industrial condition of the Dominion would get into inextricable confusion—at any rate, if the findings of these Councils are to take effect from the date of issue pending an appeal. In this connection I would like to make a suggestion which you will please accept as an individual suggestion. I am not authorised by the employers' association to make it, although I have reason to believe that it would be acceptable to employers, and I believe that it will prove to be more acceptable to the labour interest than some of the proposals in this Bill. My own feeling has always been that the first object and intention of the Arbitration Act—the whole labour legislation, in fact—was to make the utmost possible use of the principles of conciliation and the least possible use of the compulsory clauses. It was the idea of Mr. Reeves that a very large number of the cases would be dealt with by the Conciliation Boards, and very few cases indeed would reach the Arbitration Court; and I think any amendment now made would do well to go in that direction. You want to avoid as far as possible the setting-up of any formal Courts or Boards other than such as are absolutely necessary. The Arbitration Court is absolutely necessary as a final Court of Appeal, and if we could do without any other Court it would be so much the better. The less formality about the proceedings in the lower Court the better chance there is of conciliation. I do not think enough has been made of the private conference which has been made preliminary to proceedings being taken before the Board or Court. You are no doubt aware that, as a rule, when a dispute has arisen, the employers are invited to meet the workmen in conference. In many cases such conference has been largely successful; but the employers have become more or less suspicious because of the feeling that the dispute does not denote discontent amongst the workers, but has been engineered by outside parties, and that it is these parties the employer will meet, and not his own workmen, and therefore little good is to be expected from a friendly conference. This feeling does exist, and it has brought these private conferences less into favour than they were years ago. I believe the effect of some of the clauses in the Bill will be to make the private conference more effective than it has been in the past. I refer particularly to sections 44 and 53. Section 44 sets up the procedure necessary before the dispute can be raised, and section 53 proposes to eliminate some of the undesirable elements in the *personnel* of a dispute. If these two clauses are brought into effect I believe they will bring the employer and employed nearer together, and will remove a good deal of the suspicion on both sides, while the private conference will become of considerable use in the settlement of disputes or preventing the disputes getting beyond that stage. If, however, the private conference should fail, then the industrial Chairman will come in, and it should be within the power of either of the parties to call upon the Chairman to act as counsel not for the purpose of issuing an award, but for the purpose of bringing the parties together. I would not give him any mandatory power at all—that should rest solely with the Arbitration Court; but I do believe that if expressed sanction and encouragement were given to the private conference, and it was open to the contending parties to call in the aid of the official Chairman as indicated, then a very large number of the disputes would end there, and there would be comparatively little work left for the Arbitration Court to do, except in the way of confirming and reviewing the agreements arrived at. I would just repeat what I said a little while ago as to the necessity of this Court acting as a Court of review for the purpose of obtaining uniformity of awards throughout the Dominion and throughout the different industries. One of the sections that Mr. Pryor left me to deal with particularly was section 18. I do not know that I need say very much about that except to say that the right to appeal to the Arbitration Court is sufficiently provided for in the principal Act, and it might be left just where it is; but subsection (8)

should certainly be altered so as to make the pendency of appeal suspend the operation of the award appealed from. In regard to the enforcement of awards, there is a general objection taken to the hearing of cases of breach of awards by the Stipendiary Magistrates Of course, in a considerable number of cases, where it is merely a question of facts, there is no good reason why the Stipendiary Magistrate should not hear and dispose of such cases; but a very large proportion of cases depend upon interpretation, and for that reaosn, I think, it is extremely undesirable that the Court of Arbitration should be relieved of its duty to adjudicate in cases of breach. The only reason for desiring this in the past has been that the Court of Arbitration has been overworked and has been unable to keep pace with the calls made upon it.

4. Do you mean with actual appeals or with charges of breach of award?—A great deal of its time has been taken up with trivial charges of breaches of award and with trivial disputes too; but, of course, it has had to do all the work practically, and there has been more work under the present system than the Court could overtake. But if the Industrial Councils prove to be successful, or any substitute for them, then there will be far less work in future for the Arbitration Court to do, and it should be quite able to undertake the enforcement of awards. Section 44 deals with what I think has always been one of the weakest points in the industrial legislation—that is, the facility afforded to a small group of disaffected workpeople to form a union, originate a dispute, and plunge the whole industry into strife without the concurrence—and very often without the knowledge—of the great mass of the workpeople interested. I strongly support the suggestion made by Mr. Pryor, and should like to see it embodied in the Bill you have before you. The only other clause I wish to refer to is section 49, with respect to apprenticeship. Both Mr. Pryor and Mr. Bennett have referred to this, but there is one aspect of the case which neither, I think, has sufficiently taken into account. In most trades the apprenticeship period is of five years; but in some it is six years—that is to say, that in an apprenticeship of five years the boy will have to start exactly on his sixteenth birthday to get in the five years, and if the period was six years he must start on his fifteenth birthday. There are difficulties in the way of employing a boy under sixteen, and in many trades of a laborious character I do not think it is wise or prudent to take a boy on who is under fifteen, because he is not sufficiently developed physically. But supposing he wants to get into a trade in which the term of apprenticeship is six years, and he cannot find an opening on his fifteenth birthday, or if the term is five years and he cannot find an opening on his sixteenth birthday, then it becomes impossible for him under this Bill to serve out his apprenticeship at all. It becomes very difficult for him to find employment, and increasingly difficult as time goes on. Now, I do not think any obstruction should be thrown in the way of boys learning trades, and this clause certainly would have that effect. The Minister will know very well that in the engineering trade a boy, before he can go through a course at sea, must serve five years on shore. Sickness and unavoidable absence from his work make that period five years and six months, and yet if he cannot work that time the marine-engineering door is absolutely shut to him. That is rather a serious position, and I do not think it could have been contemplated when it was proposed that a term of apprenticeship should absolutely cease at twenty-one years. I do not think I have anything more to say.

5. *Hon. Mr. Millar.*] With regard to apprenticeship, you have pointed out the difficulty that exists at the present time. In how many trades do the apprentices actually serve six years?—I know, personally, of one, and I have heard of another this morning—the moulders.

6. There are only two, I think. Do you approve of men of twenty-eight apprenticing themselves at £1 5s. per week?—I think that would be an unusual thing. I never heard of such a case. In our experience we have had two cases of young men out of boyhood coming to us and wanting some kind of training, but they are very rare.

7. Supposing the clause was amended and made to read that the term of apprenticeship should cease at twenty-five?—I think that would do.

8. The Arbitration Court has held that as soon as a man becomes twenty-one years of age he can apprentice himself, as he is his own master. That has been done for the purpose of evading the payment of journeymen's wages. You think if the clause were amended, making the age twenty-five, it would be better?—Yes, it might inflict hardship in one or two cases, but it would be very rare.

9. *Mr. Barber.*] Has it ever come within your experience that a man who has learned a trade would like to make a change and become an electrical engineer or motor engineer: would it not be very hard if he were prevented from making himself proficient in another trade even at twenty-five years of age?—That illustrates the extreme danger of imposing hard-and-fast conditions. I know of a case in Christchurch where a lad served half his time to the bootmaking trade, and then threw it up and became an artist. He made quite a success as an artist, and would probably never have made a success of bootmaking; but you cannot provide for every possible case. So far as motor-construction or electrical engineering is concerned, they quite usually follow on ordinary apprenticeship to engineering.

10. They are a natural adjunct to it, but the man who goes to engineering gets no chance?—He has to go to America or Germany, where they have special facilities.

11. Do you think it would be right to prevent such men from acquiring these trades?—No, I would throw no impediment in any man's way—he ought to be encouraged. But it is very difficult to provide for every contingency.

12. *The Chairman.*] Referring to the Bill, you are satisfied that there would not be sufficient suitable people to take part on Industrial Councils, judging from past experience?—I think it would be difficult to get them.

13. Is that why you advocate the permanent Chairmen?—I was not thinking of the Chairman particularly. I was thinking of the representatives of the Council.

14. It is assumed that there would be separate Chairmen?—Yes.

15. You think that is a position of extreme difficulty?—It is very cumbersome.

16. I understand you rule Magistrates out of it altogether?—I think that if the Arbitration Court's work was reduced it could take all the enforcement work itself, which would be better. There are cases dealing with questions of fact that the Magistrates could deal with.

17. You do not think the Magistrates would be qualified to give decisions in enforcement cases?—They would have to refer to the Arbitration Court for interpretation in lots of cases.

18. And you would anticipate a large number of appeals from the Magistrates through lack of uniformity?—Yes, undoubtedly.

FRANCIS MCPARLAND examined. (No. 32.)

1. *The Chairman.*] What are you?—Hotelkeeper.

2. Where?—The Hotel Cecil, Wellington.

3. Have you seen this proposed Bill?—Yes.

4. And you wish to give some evidence regarding it?—I do not purpose criticizing the Bill in any way, except what appertains to the working of our own business. I might say that we are working under great disadvantages through an agreement made on the 29th November last.

5. The Cooks and Waiters' Union award?—Yes. Our association attended at the Conciliation Board on four occasions, and found the demands made so extreme that generally we could not agree with them. Hence we told the Board we would refer the matter to the Arbitration Court for settlement. Some time afterwards we directed our secretary to apply to the Clerk of Awards to see what time we had to put in our objections to the recommendations made by the Conciliation Board, and the Clerk of Awards gave us a typewritten document stating that we should file our objections on or before the 30th November, for which he charged us 3s., which we paid. We then instructed our secretary to file our objections not later than the 27th November, so as to be sure. He did so; and on the 4th of the following month I received a letter from Mr. Hawkins, Clerk of Awards, stating that the office had made a mistake and given us the wrong date—that the information should have been that we were to file on the 26th, and advising us to appeal to the Judge to have the matter reviewed. Accordingly we did so, and the Judge said he had no power to review. He said, "You did not file in time, and it is entirely out of my hand. There is nothing to enable me to review the case." Hence we have been working under great disadvantage since.

6. You think that in such cases the Judge has no power to refer the matter back to the Conciliation Board?—Decidedly.

7. With instructions to rehear?—Certainly. The thing is so ridiculous. Fancy having to work under these recommendations for two years without being able to argue the matter out in a Court with competent jurisdiction. There are the most scandalous things imaginable in that agreement. With regard to hall-porters, the recommendations state they should not start work until 8 o'clock in the morning, the same as a pick-and-shovel man, I presume. We have a large number of people staying at the hotel, whose goods have to be despatched by train and otherwsie before 8 o'clock, and there is no one to handle their luggage. Then there is the half-holiday for all the waiters and cooks. We could get over this difficulty if provision was made for us to select the time for the half-holiday, because on some days in any large hotel in Wellington the house is practically full, and you cannot get a man off the street to fill another man's place, while, perhaps, on another day the house is half or a third empty. If an arrangement was made by which the employer had the opportunity of giving the half-holiday at a convenient time the thing would be quite different. The same thing applies to the kitchen. But the worst feature of the half-holiday and the whole holiday in the kitchen is where a person has only one chef employed. He gets his half-holiday while the employer has to pay extra wages to get the work done, and once in four weeks he gets a whole day, and the employer has to get a cook, perhaps, off the street. It disorganizes the business to an enormous extent. Another incubus we are working under is in connection with the night-porter. He has to get a full week's holiday on full pay every three months. I will show you how that works: We keep two night-porters. On one day one man's time was up, and we had occasion to sack No. 2. We got on a new man. The porter whose time it was to go out agreed with me that the new man coming in if left in charge could not carry on, because he did not know the bells of the house, and could not do what was required without some one to instruct him. Hence we agreed that the porter should stay for another week to initiate the man in his place, and then take the week off. The man agreed to do this, yet I was cited for a breach of award for doing it. When it came before the Judge he convicted and discharged me. He said a breach had been committed, but he could not think of fining me under the circumstances. A case of that sort should not be brought before a Court at all, because it was almost an impossibility to do otherwise. My reason for gving this evidence is because I want the Committee to put a clause in the Bill permitting this case to be reviewed.

8. Practically, your evidence is the same as Mr. Kirkcaldie's, that through this misadventure you got into this irritating position, and you want relief?—Yes. We went to conciliate four times, and could not do it.

9. Do you mean that after attending the Board four times you abandoned the proceedings, and the recommendations were made in your absence?—Yes.

10. You gave the job best, and intended to go on to the Arbitration Court?—Yes.

11. And now you find yourself bound by these regulations through a mistake of an officer of the Court?—Yes. With regard to the Bill, my experience as a tradesman from the commencement of the Conciliation Board leads me to say that expert tradesmen on both sides should conciliate with each other, and if they cannot come to a conclusion the case should be sent on to the Arbitration Court. On two occasions we made an agreement for two years by means of practical men on

both sides. We agreed to terms and sent the agreement up for ratification. There was little loss of time, because men who are experts know both sides of the question. Then we appointed a committee called the disputes committee, and I think that met once or twice a year, and settled the disputes amicably. I think that portion of the proposals in the Bill would be a very satisfactory method of settling the business, notwithstanding the enormous number of men enumerated by my friend as being required to conduct the business of the Councils. When practical men have business to do they do not take long over it, and you can always get practical men to settle business of that kind.

12. *Mr. Hardy.*] Had you a man named Murray in your employment?—Yes.

13. What was he employed by you as?—Waiter.

14. How long was he with you?—I dare say twelve months.

15. Did you dismiss him?—No; he took his own discharge.

16. Do you know any reason for his leaving your employment?—No, except that he said he was going to get a job as tally clerk on the wharf, and would do better than in our line of business.

17. He thought of changing his line of business because he could get better employment elsewhere?—Yes.

18. Had you any set against the man in any way?—No.

19. Would you consider him, as a waiter, a marked man?—He was a very excellent waiter.

20. Did the fact of his belonging to the union prevent you giving him employment?—Certainly not. He never asked me for employment again.

21. *Mr. Arnold.*] When did you first notify the Conciliation Board that you intended sending your case on to the Arbitration Court?—On the fourth time we met to try and conciliate with each other.

22. Did you meet the employees' representatives before and in the presence of the Conciliation Board?—Certainly. There was a great number of the employers present; but I happened to be chairman of the Licensed Victuallers' Association, and had a great deal to say on the matter with regard to our own business, and it was mutually agreed by our association that if the union did not modify their terms we would refer the matter to the principal Court.

23. You actually had four conferences with that Board?—Yes. After meeting them four consecutive times at the Courthouse we gave them notice.

24. So that an attempt was really made to bring about conciliation?—Certainly. I might say with regard to Murray that after he left my employ he came to me for some monetary consideration, and if I had had any ill will towards the man because he was an agitator, I should have told him to get out of the place.

25. *Mr. Hardy.*] What did he want?—He wanted money, and I lent him some.

Deputation of Employers of Domestic Servants.

Catherine McLean Holmes, Mrs. Pearce, and Mrs. Rawson examined. (Nos. 33, 34, 35.)

1. *The Chairman.*] What is your address?—12 Hawkestone Street, Wellington.

2. What is your occupation, Miss Holmes?—I am just a householder.

3. You wish to give evidence with regard to domestic servants?—Yes. I understand the Domestic Servants' Union is non-existent, but we want to know what alterations are to be made in the Act. There are not two parties before the Committee.

4. We are simply sitting as a Committee of the House to listen to whatever evidence may be brought before us in order that we may make suggestions as to any alterations which may afterwards take place in regard to the law?—We understood that certain alterations had been made.

5. They are proposed, but they have not been made?—Do you mean that you are going to make alterations which will affect us as householders?

The Chairman: I do not know that I can give you any information as to how the alterations may affect householders. The suggested amendments will largely affect the present law, and we are getting what possible evidence we can so that we can get our best judgment to bear on the Bill before it is passed. We can supply you, if you choose, with copies of the Bill as it is printed, but I do not know that you will be very much better off then. I suppose you are aware that any body of people who are employed for wages can, so long as they are in the same employment, form themselves into a union, and in case of a dispute between themselves and their employers can take the case before the Conciliation Board, which goes into the merits of the dispute and makes recommendations, which recommendations are not binding unless accepted by both the parties. If either side is dissatisfied with the recommendations it can carry the case on to the Arbitration Court, where it is heard by a Judge appointed for the purpose, and the Judge's decision is final. It then becomes an award. The proposals in the Bill are largely these: At present the Conciliation Board is constituted in a way that is different to what is proposed. The Board is swept away, and what is called an Industrial Council is set up in its place. That Council must consist of three employers and three employees in the particular industry in which the dispute occurs. That is to say, if it is in the building trade there must be three master builders, and in the case of domestic servants there must be three mistresses; if it is in connection with clerical work there must be three merchants; and so on, including three representatives in each case for the workers, who must be actually engaged in the industry or service. There must be three domestic servants with three mistresses, to decide the matter in dispute, and any decision come to is binding on both parties—whatever is agreed to must be observed after that. If they choose, either party may carry the

dispute to the Arbitration Court, but whatever arrangement is come to is enforced. If a case is carried on to the Court, the dispute is reheard, and the decision of the Court is final and binding. The Bill proposes that, instead of having a Conciliation Board composed of people who are not concerned in the industry in which the dispute arises, for the future members of the Industrial Council must be concerned in the industry and consist of three employers and three employees. That is believed by the Minister to be a better method than the present one. It is also urged that there are people who are in the habit of fomenting disputes—who practically manufacture them —I am not saying it is so, but this has been alleged—and that these people are interested in creating disputes, and desire them in order to achieve popularity and publicity. This sort of thing has led to an uncomfortable position, and it is considered advisable to keep that element off the Board or Council, and to get the actual wage-earners and wage-payers face to face, unless either party objects, in which case the dispute can be carried on to the Court of Appeal—the Arbitration Court.

Mrs. A. Pearce: This has only applied so far to the wage-earners who are working for the benefit of their employers.

The Chairman: It applies now to pretty well all persons engaged for hire or reward—whether engaged in clerical or manual labour, or in trade, domestic servants, or even agricultural labourers. In fact, it seems to me that the Act applies to all hands in the Dominion, and as the Bill now stands there is no doubt about it applying.

Miss Holmes: We are members of the committee which was appointed by an influential meeting of employers of domestic labour to meet the Domestic Workers' Union. We strove very hard to come to some agreement with them, and form some basis upon which we could agree before appealing to the Conciliation Board; but we could not come to an agreement. The workers made demands which we thought quite subversive of the interests of the home. The union appealed to the Arbitration Court, and we have heard nothing more from them. The Court sat and rose, and no application was made, and we have been much puzzled at this want of action on the part of the workers, and desired to know whether it was due to some defect in the present law.

6. *The Chairman* (to Miss Holmes).] They did not carry out their promise to carry their case on to the Arbitration Court?—No.

7. They have a right to do that?—Yes.

8. Is it possible that they are waiting until this amending Act is passed, in order to take action under it?—I think that is possibly so. I was anxious to know, because I promised our meeting of employers to watch the proceedings. We do not wish to be taken by surprise.

9. You would be notified in the first place before the case was taken before the Conciliation Board?—Yes.

Mrs. Rawson: What is the difference in the clause now, because before they could not comply with the Act as they did not work for their employers' benefit really—they did not work to make an income for their employers.

The Chairman: No; they minister to personal comfort.

Mrs. Rawson: And their own as well.

The Chairman: It may be a question whether they had any *locus standi* before the Court —whether domestic servants had any definite standing there. That is a question for a lawyer. But whether they could come under the Act before or not, they certainly will be able to do so under this Bill if it passes. If they are on an unsound footing now, their feet will be as on a rock then.

Miss Holmes: I would not be afraid to meet the workers themselves at all.

10. *The Chairman* (to Miss Holmes).] Then you came to get information from us, while we expected information from you?—We do not know what you want.

11. We wanted to know how the Bill will affect domestic servants, but up to the present you have not taken any proceedings?—No, until the workers take action, our hands are tied.

12. In the meantime, have you formed any association of employers?—Not a registered one. We thought there was no necessity until we saw what the union was going to do.

13. Whatever happens in the future, you would be on better ground if you had a president, vice-president, a secretary, and a few printed rules. You would then have a footing before the Court. If you had no association you would be a conglomerate aggregation of people, and would not know what ground to take?—I have little doubt that we should have our case quite clearly formulated.

14. So far as you understand the provisions of this Bill, have you any idea as to whether it would be a better method of settling disputes with regard to domestic servants?—Infinitely better. I am sure that by meeting three good domestic servants we could come to an arrangement with very little difficulty.

15. If you had to meet people who were not domestic servants, would there be a difficulty?—Yes, it is quite impossible.

16. Why do the domestic servants ask other people to represent them? As a rule, your sex is fairly fluent?

Mrs. Rawson: I do not think in the last instance they were fairly represented. When we came to look into matters, the president agreed that the demands would not do at all. They wanted unlimited liberty, to go out at night and to have latch-keys. It would not do to have young girls in that position: it would do away with the homes. There can be no homes under such conditions, and there will be fewer marriages. It is a very serious question.

Mrs. Pearce: I do not think they realise what will happen. As Mrs. Rawson says, the marriage-rate will decline and the birth-rate will decline.

Mrs. Rawson: You must give up housekeeping under such conditions.

The Chairman: Have you the demands which were put forward some time ago as those which should be agreed to by the Court?

Miss Holmes: Yes. This is the statement of claims:—

DOMESTIC WORKERS' INDUSTRIAL UNION OF WORKERS.

Claims.

1. Eight classes of workers shall be recognised—*i.e.*, housekeepers, lady-helps, generals, housemaids, nursemaids, kitchenmaids, laundrymaids, and cooks.

2. The week's work shall consist of sixty-eight hours, to be divided as follows:—

Work to commence on every morning, except on holidays mentioned in clause 3, at 6.30 a.m., and cease on Mondays, Tuesdays, Fridays, and Saturdays at 7.30 p.m., with three intervals of half an hour each for meals, and one hour's interval in the afternoon on each day.

On Thursdays work shall cease at 2 p.m., with two intervals of half an hour each for meals.

On Sundays work shall cease at 2 p.m., with two intervals of half an hour each for meals, but domestics shall, if required, prepare tea between the hours of 5.30 p.m. and 6.30 p.m. on alternate Sundays.

On Wednesdays work shall cease at 10 p.m., with three intervals of half an hour each for meals, and one hour interval in the afternoon.

On Sundays two hours shall be allowed to attend church in the morning.

3. *Holidays.*—Christmas Day, Boxing Day, New Year's Day, King's Birthday, Prince of Wales's Birthday, Anniversary Day, Easter Monday, Labour Day, and all statutory holidays shall be deemed to be holidays, and work done on those days shall be paid for at the rate of one shilling (1s.) per hour.

Domestics shall be in every evening at 10 p.m., except on Thursday evenings, and on that night 12 p.m.

4. Members of the union shall be employed in preference to non-members.

5. Where uniform is required to be worn it shall be provided by the employer—dress, caps, collars, cuffs, and aprons.

6. That employers provide well-ventilated bedrooms for domestic workers.

7. In case of a dispute over the interpretation of any of the foregoing clauses, or any difference of opinion on matter not therein dealt with, the point at issue shall, if either party so desire, be referred to a committee consisting of two representatives of the union (to be appointed within twenty-four hours of the service on the secretary or president of the union of a notice in writing by the employer calling for such appointment), and a like number of representatives on behalf of the other party or parties interested (to be appointed within twenty-four hours of the service on such party or parties of a notice in writing by the secretary or president of the union calling for such appointment), and of a chairman to be chosen by all the representatives so appointed. Such chairman shall have a casting-vote only. Any matter referred to such committee shall be decided by the majority of the votes of members of the committee, or, in case of equality of votes, by the casting-vote of the chairman. If such committee shall fail to appoint a chairman and give a decision on any matter referred to it within seven days of the time of the service of the last of such notices on the secretary or president of the union on the one hand or the other party to be affected on the other, then either party shall be at liberty to deal with such matter as if this clause had not been inserted herein. If such committee shall, within the said period of seven days, give its decision on such matter, then such decision shall be final and conclusive as between the union and every member thereof on the one hand and any employer who appointed representatives on such committee on the other.

DEAR MADAM,— Trades Hall, Lower Cuba Street, 15th February, 1907.

The enclosed claims of the Domestic Workers' Union are forwarded to you with the hope that you will acknowledge their reasonableness by signing the accompanying agreement.

By doing so you will obviate the unpleasantness of appearing personally or by agent before the Conciliation Board or the Arbitration Court.

If such is your wish, please sign the agreement and return to me on or before the 22nd February, 1907.

Yours respectfully,
W. H. WESTBROOKE,
Assistant Secretary.

I am willing to observe the conditions as stated in the claims of the Domestic Workers' Union, and will abide by the same in my future relationship with any domestic worker I may employ.

Employer:
Address:
Date:

Will you permit me to state the present position of the domestic workers? Domestic workers are in a measure amateurs. They do not intend, when they start, to continue as domestic workers all their lives. They are not quite in the same position as a man who learns a trade. A carpenter is a carpenter for his life. He may rise to the higher branches in his trade, but he continues a

carpenter; and so on through all the masculine trades. Domestic servants most justly look forward to being married, which is their proper sphere. They occupy the earlier years of their lives in domestic service, which is, in a degree, a training for their future career. It complicates their position with regard to their employers that they do not intend to be always dependent on this occupation. They are enabled to take service and earn good wages when they are by no means expert in their calling. There are a certain number of what I would call good professional servants —middle-aged women—who now know that they are not going to be married, and who are prepared to accept service as their lot in life. These are the most superior class. I have been very fortunate in coming across some of these in my career, and they are now my firm friends whether they are in my house or out of it. It, of course, gives servants a very strong position, when they are not dependent upon their trade. Their real fate is to be married, and quite properly so. At present the employers have evolved what I can only call a rule-of-thumb practice, by which definite arrangements are made between each household and the employees. Every household is different—the conditions vary, and often by the accidents of life. Your household may run for three or four months on regular lines, when you can say day by day what the work will be, at what hour it will be done, and what wages will be given. But if an epidemic of influenza happens, you may find yourself suffering, or nursing your servants and doing their work, and there is never any reduction in their wages for that time. They are a portion of the household, and are treated as such. It may be the lot of the mistress to be laid aside by sickness, and her portion of the work has to be done, and it is there that the rule of thumb is so valuable, because an arrangement is made by each mistress and each servant, and as servants are very much in the minority, they are quite at liberty to make practically their own terms. If they find, through the exigencies of sickness, that the work is very heavy, you cannot keep them in the house—you have no hold on them. There is an immense advantage for them in that they have nothing to lose. They can sue their employer and get redress, but, no matter how much you may be aggrieved, you cannot sue any one who has nothing. Briefly, that is our case. I would plead for a continuation of the present system, of each household making its own rules with its own workers.

17. *The Chairman.*] In other words, you would have domestic servants excluded absolutely from the operations of this Act?—I think, if we met the servants themselves on the Industrial Council, we might come to some mutual understanding.

18. But both parties must be organized bodies to appear before that?—We are in a position to be registered at any moment.

Mrs. Rawson: As far as we know, all the good servants are against the union.

Miss Holmes: At our last meeting with our chairman, Mr. Bunny said to Mr. Westbrooke, the union's spokesman, that he hoped our sketched rules would amend any grievance, when, to our great astonishment, Mr. Westbrooke said there was no grievance—that he only wished to bring this class of labour into line with the other organized labour of the colony.

The Chairman: What was that you said with regard to the domestic servants—that in the main they were opposed to the organization?

Mrs. Rawson: Yes, they are very much opposed to it, because they can see how seriously it will affect them. At present they have many privileges. If they fall ill they receive the same treatment as your own sisters, and they have their visitors.

The Chairman: You mean to say that they realise that if their bargain was put down in print in black and white, and there was no further connection between the two parties but the cash connection—the cash nexus, as it is called—they would feel themselves more isolated from the household than they are at the present time?

Mrs. Rawson: Yes, it would be a very serious thing. At present young girls come right away from their friends and regard the house as their home, and most of them prefer to sit at home at night and do their work.

Miss Holmes: I know one instance where the maid has been twenty-six years with her employers in Wellington, and she has had no other home.

The Chairman: That would be rather rare?

Miss Holmes: Yes, because human life would operate against it.

Mrs. Rawson: It is not rare for many maids to stop with their mistresses for many years.

19. *Mr. Hardy.*] I think, Miss Holmes, I understood you to say you would like to meet the servants as experts, so that the matter could be talked over?—Yes, I would not have any objection to talking the matter over with them as experts.

20. You would have no objection to them forming a union?—The only objection is that no imaginable set of rules could be made to fit the exigencies of household life, and if you have a union you must have fixed rules.

21. If you have lines it is sometimes necessary to read between the lines?—The lines already exist.

22. Is there dissatisfaction between the mistresses and domestic servants throughout the colony?—No.

23. Can you, as a rule, get sufficient servants?—There are not sufficient.

24. Have you heard that there is any difficulty in getting servants?—Yes, in the country especially, because the girls prefer the towns.

25. Do you not think that if a union were established a better feeling would probably arise than exists at present?—It would be infinitely worse. It is through the scarcity of girls.

26. To what do you attribute the scarcity of girls?—Marriage is absorbing a great number every year; then possibly the supply is not large enough, or it may be due partly to the falling-off in the birth-rate.

27. Is the marriage-rate sufficient to account for it?—Yes, when the supply is diminishing. It is perhaps the two causes working together.

28. We see a great deal in the newspapers about the dissatisfaction which is alleged to exist?—Yes, it was for that reason I thought I would quote what Mr. Westbrooke said, which really astonished me, because I also had been reading the letters in the newspapers.

29. Are the mistresses dissatisfied with their servants, or the servants dissatisfied with the mistresses?

Mrs. Rawson: I do not think there is much of either. The letters are not written by genuine servants.

Mr. Hardy: Then you think the political agitator has something to do with this business?

Mrs. Rawson: Certainly, everything.

Mr. Hardy: You would not like politics to come in in the management of your affairs—you would rather be neutral?

Mrs. Rawson: Yes. How can you manage your household under the rules of a union when you have a lot of tiny children growing up?

30. *Mr. Hardy* (to Mrs. Rawson).] You would have no objection, I suppose, if the Court drew up reasonable conditions?—I do not see how you could make hard and fast rules. Mr. Westbrooke said mistresses would have to allow their servants out till 10. Supposing a baby cried a few minutes after 10 and the mistress was out, you would have to make other arrangements.

31. If effect were given to the proposal of the Minister, that experts on both sides shall form the Industrial Council, would that be better than the present arrangement?

Miss Holmes: Infinitely better. I do think there might be some rule by which each employer could keep an employment-book with their rules, and then they could read the rules over to the girls.

32. *Mr. Hardy* (to Miss Holmes).] As you take an interest in this question, I can assume that you are model mistresses?—We try to be.

33. Are there not a great number of people who are not model mistresses?—Yes, of course. There are many young women who have been teachers or in business and who do not know how to work or manage their employees, and, of course, they have to buy their experience as we had to buy it in the past.

34. But you would not blame the teacher specially?—She does not know much about household management, as a rule.

35. At any rate, you would not take exception to the maids forming a union, provided good would come out of it?—No, certainly not.

Mrs. Rawson: But can you prove that good would come out of it?

Mr. Hardy: Miss Holmes approves of the proposal because it would bring the mistresses and maids together.

Miss Holmes: It would be infinitely better than having to go before agitators. I think that is a very much better suggestion, and my own strong impression is that a meeting between three mistresses and three really competent maids would result in simply defining the existing order of things.

36. *Mr. Hardy* (to Miss Holmes).] Then, if we killed the agitator you would not go into mourning?—I think not. However, it has given me a great deal of anxiety.

37. *Mr. Bollard.*] Is there a scarcity of domestic servants in Wellington at the present time?—There is not an ample supply. The people who suffer most are the people with small incomes and many children. The girls, while they can command the easier places, will not go to the houses where there are little ones, and it makes it very hard on such households. One must think of those who bear the heat and burden of the day in building up New Zealand for us, and who are doing it under great difficulties.

39. Do you think the scarcity is caused by so many girls now wanting to get into factories on account of only having to work a certain number of hours, which gives them more time for themselves?—Yes, that is so. The factories must have their supply.

39. Is it your experience that young girls like that work better than domestic service?—A certain type of girl will.

40. But they are the majority: You find that a large number of girls are anxious to get into employment where they can get the evenings to themselves.

Mrs. Rawson: I do not think the better class of girls are like that. The mothers like their girls to be in domestic service—respectable mothers prefer it, because I think they rather dread their girls going into the factories unless they are living in the place.

Mr. Bollard: Do not many go in whether their mothers like it or not?

Mrs. Rawson: A union would not improve that. It would make it worse, because the respectable girls dread the very name of a union.

Mr. Bollard: Is there any feeling in Wellington amongst the girls who want to go out and earn their living that domestic service has become—shall I call it degrading—compared with other means of employment?

Miss Holmes: I think there is that feeling amongst some, and there is the final question, the one of personal compatibility. A girl may be a good servant, but if you cannot get on with her you cannot keep her. That does happen, in fact. A girl may have a frightful temper, and it will not be seen in a factory. I think a good servant is a very fine thing.

Mrs. A. Pearce: I think I would like to mention that when this matter came up last year, and they wanted to form the union, sixteen girls tried to get the better class of girls to join, but these girls were rather indignant, and were perfectly willing to sign a petition against it.

The Chairman: Whom were they going to petition?

Mrs. Pearce: The Arbitration Court, because they thought at the time that the case was coming on.

Mr. Bollard: Has it come within your knowledge that fairly good girls in domestic service, receiving 12s. or 14s. a week, have gone into factories where they have only got 10s. a week?

Miss Holmes: Well, we have often had girls coming from factories to get the lighter class of work, and 15s. up to £1 a week is the ruling wage, and we householders calculate that if we give a girl 15s. a week she costs us another 15s. a week in providing the room, keep, washing, wear-and-tear, and so forth. That is the accepted calculation for keeping a servant. You must be able to spare £72 a year before you can employ a girl and pay her 15s. a week.

41. *Mr. Arnold* (to Miss Holmes).] You say the girls get from 15s. to 17s. 6d. and £1 a week as servants?—Yes.

42. And in addition they get their board?—Yes. We always reckon, in calculating our household expenses, that it costs us 15s. more. That includes wear-and-tear. A very bad breakage may cost more than the whole of a girl's wages for a year.

43. So that, so far as the girl is concerned, it is almost equivalent to £1 10s. a week?—Yes.

44. Have you any idea what the girls get in factories?—I think it depends upon whether they are employed at piecework or at so much per week.

45. Is it not a fact that average girls get from £1 2s. 6d. to £1 5s. a week?—Yes, I think it must be that, unless they are living in their own homes.

46. In that case the parents have to support them, which would bring the amount down to 15s., or half what they get in service?—Yes. I do not think they appreciate what they cost their employers.

47. But they must know that they receive a certain salary as a wage and also their board? —Yes.

48. This is my point: If they only receive about half or fifty per cent. as much in a factory as they do in service, what is the explanation for their preferring factory life, which no doubt they do in cities—what is the explanation?—Personal compatibility. They do nothing but work in the factories, but in domestic service you must have a certain standard of personal merit, and it is that which makes domestic service so valuable, because you have a very excellent human being when you have an excellent servant.

49. Is it not a fact that the girls feel the lengthy hours of labour in domestic service?—Yes, but the work is varied. Suppose we take an artisan's wife as the family unit. Her husband works eight hours a day at work well within his capacity, and then he has eight hours to himself after that. His wife begins work at 6 o'clock in the morning and ends at 10 o'clock at night. Of course, the work is well varied, otherwise she could not do it. My responsibility in a house commences when the household wakens, and it ends when the lights are turned out at night, and I cannot get rid of it even at my age.

50. And you have servants getting 15s. a week not including their food, who also work from daylight till bedtime?—A servant does not work all the time. The work done by a girl during the day cannot be compared with the work done by a charwoman. A charwoman will do as much work again in six hours as the ordinary servant.

51. Can you suggest any hours of labour which would be suitable?—No, because each house is run on different lines.

Mrs. Rawson: We were talking about what constitutes work. Suppose a girl is sitting in her room and the bell rings, and she attends it; is that to count as an hour's work? Mr. Westbrooke said "Certainly, that is counted as an hour's work."

Mr. Arnold: How many homes are there in which the maid is allowed to sit down and do her work in the afternoon?

Mrs. Rawson: Many. I can quote a case of yesterday, where a maid was doing her sewing at 10 o'clock in the morning. She was sitting down, but the bell may have gone eight times during the period.

Mr. Arnold: Is it not a rule with the great majority of mistresses to keep the food—sugar, tea, soap, and everything—under lock and key?

Mrs. Rawson: Oh, no! not now.

Mr. Arnold: Are not the girls looked upon sometimes with suspicion, and treated almost like criminals?

Mrs. Rawson: That is not the case. It might be so in a few households where their means are very limited.

Miss Holmes: What protection for food is there in an open safe? They can take what they like, and there is no possibility of checking it.

Mr. Arnold: In your opinion, the whole matter must be left to the individual mistress and the individual maid?

Mrs. Rawson: Yes.

Mr. Arnold: You do not think it can be regulated by the recommendations of a Board or by an award of the Arbitration Court?

Mrs. Rawson: No, it could not.

52. *Mr. Poole.*] Miss Holmes, you consider that this difficult position has arisen by agitation amongst domestic servants?—A serious difficulty might arise, but I do not know that any special difficulty has arisen.

53. You are just anticipating it?—I am trying to look forward to see how the thing would work in the future.

54. Do you think the general prosperity of the colony is responsible for the unrest now discoverable in the minds of the domestic servants?—That might affect it.

55. Do you think that the class distinction in domestic life has anything to do with it?—I do not see how it can. The lady-helps would almost put that on one side, and, of course, you meet your domestic servant on quite a different footing compared with the factory-girl. You would never make a friend of a factory-girl.

56. But in home life it is generally understood that there is a line of cleavage between the lady-help and the domestic servant; or is the term a misnomer?—I think it is a misnomer.

57. Of course, you are aware that there is a levelling-up process going on in colonial life at the present time—that educational facilities are creating a spirit of independence. That has been noticed in domestic life, has it not?—Yes.

58. Do you believe that in some homes, where it is almost impossible to find the funds required for the upkeep of a domestic servant, it is fashionable for ladies to make an effort to keep a servant?—It might be so; but a servant costs so much that, in most cases, if they have the physical strength to do the work themselves they would prefer it. There is a strong feeling and a growing feeling in the direction of simplifying our social life to-day and doing with fewer maids, and, as far as possible, none at all, because the expense is so very great.

59. It is a very noticeable fact that the majority of young women do not like to go into domestic service if they can possibly avoid it?—Is it the majority? Are the majority in domestic service or factories? [Statistics referred to.] I see that six thousand are employed in shops and seventeen thousand in factories, and, according to this, the great majority of girls must be employed in shops and factories.

60. You are familiar with Canadian life?—Yes, I have been in Canada.

61. They have found there that owing to the general intellectual advancement it is impossible to find the number of domestic servants required?—Yes.

62. And the ladies of the homes, or the daughters, do the work. It has been the salvation of many houses, because they have been compelled to learn how to do domestic work. Do you think the scarcity of domestic servants in Wellington, for instance, will make it imperative for the daughters in some of the homes to do the same? There are some ladies inclined to lead a butterfly life—do you not think it would be beneficial in this colony generally if we had greater effort put forth on the part of the daughters to do the work?—I do not know anything about the butterfly girl. In many households I grieve to say that the girls are made to act as servants to the boys, and they get nothing for it.

63. Do you not think it is characteristic of many homes in Wellington that the daughters in the poorer homes refuse to go out as domestic servants—do you not think there is a wave of independent spirit abroad?—I think that has gone very far indeed in a very undesirable direction. As a member of the Ladies' Christian Association I have learned that in some cases a girl goes into a factory and gets £1 5s. a week, and pays her mother 12s. 6d. a week for her board, considering that this entirely releases her from any further obligation to her mother. She goes out nearly every night, and while the mother is getting older the girl will not so much as darn the stockings. The girl considers that the money she pays for her board totally extinguishes every obligation.

64. Do you think we are reaching the time when domestic servants will be scarcer than they are?—I think it is probable.

65. Is that owing to the elevating influence that is going on?—I do not think it is elevating. I do not admire American institutions. I think the domesticity of the English home is a very fine thing, and the lack of home life is about the worst thing that can come to us.

66. *Mr. Barber.*] Are you aware whether the attempt to form a Domestic Servants' Union extended outside Wellington?—After the agitation commenced in Wellington it was started in Christchurch, Auckland, and Dunedin, but practically I think they are waiting for the action of the Wellington body before going further.

67. Can you place on record how the question began in Wellington? Mrs. Pearce mentioned that it was started by a certain number of domestic servants, but I think it began in consequence of an advertisement on the part of a resident of Wellington appearing in the newspapers?—Yes, I think a lady, who is at present at Home, advertised if any one wished to join the union.

68. It did not come from the domestic servants themselves, it came from that source?—That is our impression. I think that is how the union was formed.

69. It was done outside of the domestic servants?—Yes.

70. It was not taken up with any spirit by the domestic servants?—No, and finally it was taken up by one of the agitators. It was the issue of the circular that I have given to the Chairman which forced the thing along, and also the threatening letters which appeared in the papers.

71. *Mr. Ell.*] With regard to the organization of domestic servants: Do you suggest that domestic servants should not have the right of organizing—the same right that is conceded to girls in other walks of life?—That is a very difficult question to answer. Of course, I am very interested in every question that concerns women's well-being, and I would like to see them press on in every direction possible; but this is the point: could they become organized and yet have freedom of contract. It seems to me that the two things are almost incompatible.

72. You do not deny their right to form a union the same as the factory-girls?—No; but if an award is made it binds the girls whether the girls are in it or not.

73. I think you have admitted that there are homes where possibly the mistresses are struggling with small incomes, and where the disabilities are somewhat burdensome on the servants. In cases like that, do you not think the girls should have the right to combine to improve their positions?—They can make their bargains now before they enter the house.

74. You admit that there are cases of bad employers?—Of course there are, but their power is so small.

75. With regard to the difficulty of obtaining servants: Do you consider the demand for girls for our factories and shop-assistants, and for the more recent development of office employment, are factors in drawing them from domestic service?—Of course, there is only one supply of girls, and if you put them in one position you cannot put them in another. That is a matter of common-sense.

76. Is it not a fact that girls do not care about going in for domestic service because of the lower status?—I consider the standing of a domestic servant is higher, but the factory-girls give themselves airs. The domestic servant also does not consider the factory-girl her equal.

77. You said the wages were from 15s. to £1 a week?—Yes.

78. And that includes board and lodging?—No.

79. So that it is not a question of wages that is deterring the girls from entering domestic service?—No.

80. Because they are much better off in domestic service than when working in a factory?—Yes.

81. So we have to look to other causes?—Yes.

82. Do you consider that the spread of higher education has had something to do with inducing girls to take up other callings?—Yes; but that would seem to be contradicted by the shortage of teachers. I have read the papers, and find that there is a general consensus of opinion that the supply of teachers is getting short as well as that of domestic servants.

83. Is it within your knowledge, from your experience in connection with the Ladies' Christian Association—you have come in contact with a great number of young girls——?—I only say that certain phases of unfilial conduct on the part of young girls came under my notice when I occupied that position.

84. Has it come to your knowledge that domestic service is rather a despised calling?—I think that is undoubtedly the case, and that that is a real factor in deterring girls from following the calling. I am afraid it is in some cases.

TUESDAY, 15TH OCTOBER, 1907.

ARTHUR DAVID ROBBIE examined. (No. 36.)

1. *The Chairman.*] What are you?—President of the Wellington Typographical Industrial Union of Workers.

2. Have you seen this Bill, the Industrial Conciliation and Arbitration Act Amendment Bill?—Yes. The board of our union had the Bill before it, and sent it along to a committee to consider, and intrusted the committee with power to give evidence before the Labour Bills Committee showing the views of the union.

3. Will you please give me the impressions your union has formed of it?—We are generally in favour of the idea of Industrial Councils, but would suggest that the number of members be curtailed and provision made for self-administration of awards. We consider that a permanent Chairman should be appointed, or that the Chairman should be a permanent appointment.

4. For all cases?—It should be a permanent appointment with power to take cases for enforcement in the same manner as the Chairman of a Conciliation Board takes cases for under-rate permits, or somewhat in the same nature. We further consider that one representative of either interest would be sufficient.

5. On the Council?—Yes. In the case of a dispute that covers more than one branch of a trade of a highly technical nature, provision might be made for an expert in each branch of the trade. In our trade there are two almost distinct branches—machine and hand composition—and to fix fair conditions for either employment it would be necessary to have an expert in either branch. We consider also that it would be advisable that the interpretation of awards made by Industrial Councils should be given over to the Councils. If awards dealing with a highly technical trade were made by Industrial Councils and their interpretation given over to the Arbitration Court, we feel that the benefit of expert adjustment would be considerably lost. In clause 18 it is provided that a case may be referred to the Court of Arbitration on the representation of one employer. We would suggest that the majority of employers should be substituted for an individual employer, or perhaps it would be fairer to say employer or employers of a majority of the hands engaged in any industry bound by the awards of the Industrial Council. Our general opinion is that legal processes of appeal should be discouraged as much as possible, and that the Bill should indicate very distinctly the ground on which appeals may be allowed. We are opposed to appeals on fact, and consider that appeals should be allowed only on law and from the Industrial Councils. We are of opinion that regulations should provide for a practical journalist being appointed to act under direction of the Industrial Councils in drafting awards. This might also apply to the Arbitration Court too. The present system of leaving this most important feature to a Judge's Associate or to an overworked Judge has proved a failure so far as our awards are concerned. We are unable to understand some of the provisions of the last award we had. It came into force on the 1st September, 1907. In a subclause to clause 5 of the award it is provided that overtime to apprentices shall be paid in accordance with the provisions of "The Factory Act, 1901." In clause 8, again dealing with apprentices, it is provided that apprentices shall not work overtime except during the last year of their apprenticeship, the remuneration to be at the same proportion as provided for journeymen in this award. The overtime provided in the Factories Act for apprentices is very much lower than that provided for in the rate specified in clause 8 of the award. In clause 4 of this same award it is provided that employers shall not be bound to pay for holidays, but subject to this no deduction shall be made from the weekly wage except for time lost by a worker through his own default. We interpret "worker" in that sense to apply also to apprentices. The Factories Act of 1901 provides that wages for all employees under eighteen years of age shall be paid for some of these holidays, if not all, so the award has really attempted to override statute law. It is further provided in this award—in the country

part of the award—that an apprentice shall be deemed to be a youth, although the term of his apprenticeship shall not expire until after he attains the age of twenty-one years. That is in the award made by the Arbitration Court. It is provided in the Industrial Conciliation and Arbitration Act that in no case shall the Court have power to provide an age-limit for the commencement or termination of apprenticeship, and this appears to our union to be another attempt to override statute law. My union is of opinion that all the impediments in the form of ballots and resolutions in the principal Act and this Bill should be struck out, and the onus thrown on the respondent to show that the claims or cause of action submitted do not represent the feelings of the employers or employees, as the case may be, in a dispute or enforcement case. At present the provision only puts the unions to unnecessary expense and causes delay, and serves no other purpose. As a rule the members of a union act on the advice of their officers, who, without this provision, would act for them. In either case the same result would be obtained. We are of opinion that all fines should go to the unions or employers, or to whosoever made the application upon which the fine was imposed. We object strongly to any interference with or attachment of men's wages. We consider the present process of civil-debt recovery equitable and reasonable in such cases. We consider that a union represented by the chairman, secretary, or agent appointed under their hands with the seal of the union and in conformity with the rules, should be sufficient authority before the Court or Industrial Council, as the case may be, in enforcement cases. My union objects to clause 45. It is the possible magnitude of a retrospective claim that tends to the observance of the provisions of an award by employers. If this clause becomes law it will have the effect of causing considerably more laxity in observing working-conditions. We consider the right of recovery should only be restricted by the present statute law. At the present time we have a number of claims pending, which cover five years, and if this clause were passed, and we were unable to take the cases to Court before the Bill came into operation, it would virtually do away with the claims. They are a number of claims in connection with a holiday interpretation given by Mr. Justice Sim, and covers the full five years since the last award in our trade came into force, in 1902. We are in extreme doubt as to whether the collection of money under clause 47 would not cause more bother and expense than the money was worth. The union might be given the right of serving notice on the employer of such workmen, and obtaining payment from the employer in the case of default, to make this clause more workable. But we object to any interference with the payment of wages, so consider this clause difficult to give effect to. We consider clause 49—"No person over the age of twenty-one years shall be deemed to be an apprentice within the meaning of any award or industrial agreement, whether made before or after the coming into operation of this Act"—is very necessary. I have a copy of indentures here which were made out by a reputable firm of solicitors between a worker and an employer. At the time the worker entered into this indenture he had already served between five and six years at the trade, and at the time of the expiry of the indenture he would be twenty-eight years of age. He entered into the indenture when twenty-two years of age, after having served his practical apprenticeship at the trade, and in our opinion it was only a covert attempt to get round the provisions of the award. The wages are provided in the indenture. [Indenture submitted.] There are other cases that come to my mind where employers, after the boy has served his full time at one occupation, have desired him to apprentice himself for a further time to the linotype machines. This is strictly illegal. Two cases have come under our observation, and at the present time we are preparing statistics showing the names of the parties to indenture agreements over the Wellington Industrial District, as we have no doubt there are other instances of illegality in operation. Members of the Committee will notice that the indenture is not under seal, and is certainly not a credit to the solicitors who made it out. We are indifferent to clause 53, which stipulates the persons who may be officers of the union. It is a matter of pure indifference to us, because whatever person was appointed an officer of our union would have to be a member of the craft. It is such a highly technical trade that any person not acquainted with it would be useless as its secretary.

6. *Hon. Mr. Millar.*] You say the lad indentured was twenty-two years of age?—Yes, at the time he entered into this illegal agreement. While I am speaking on the question of apprenticeship law generally, I would say that there is considerable misapprehension existing among the employers. In the event of an award coming into force that increases the wages of apprentices, many employers claim that they are entitled to pay the apprentices the rate prescribed in the indenture form. In our particular trade the wages of apprentices have been increased from 20 to 25 per cent., and the employers claim that the award does not break the covenant in the indenture. It should be made clear, as we understand was laid down in the case of Reese *v.* Baillie, that the award of the Court overrides any covenant over which it should operate. These are all the matters I wish to bring before the Committee.

7. Your idea, Mr. Robbie, in regard to the Industrial Councils, is this: that, once set up, they ought to remain the full term for which they give their award, for the purposes of interpretation. In other words, it should be a standing Council for two or three years, so that it could meet when required to interpret the award already given?—Yes, either the full body of the Council, or that some arrangement should be made whereby the Chairman would be empowered to interpret the awards in the same manner as the Chairman of the Conciliation Board deals with permits. In a highly technical trade such as ours, to give over the interpretation of an award to the Arbitration Court would be absolute folly, because it would nullify all the good effect of expert adjustment. In the typographical trade many of the overseers and foremen are honorary members of the union, and there is not that spirit of intimidation which is to be found perhaps in some other trades. The general desire is to elevate the calling, and we want to do it in our own way.

8. Clause 47: You do not object to the principle, you only say it would be difficult to operate?—Yes. In our occupation there are comparatively no non-unionists. It is only in isolated cases where the objects of the union are not brought under the notice of the men that they have not joined us.

9. In a highly skilled trade you can pretty well deal with it yourselves?—That is so.

10. But in a trade not so skilled and which is more liable to be flooded from outside sources, is it not possible to get men to contribute to the funds of the union who otherwise would take advantage of the benefits without contributing?—I consider the clause, if workable, to be a just one; but, speaking from experience of my union, I know that most of the members working at the trade are members of it. But it appears to me to be a perfectly just clause—that those who get the advantages should contribute towards the expenses.

11. I suppose you are not aware that there is one union waiting to see if this clause goes through in order to decide whether to disband—that has not come under your notice?—No.

12. Do you believe in imprisoning a man who will not pay a fine?—No.

13. What civil process are you going to adopt to get at the man who has nothing to distrain upon?—There is no sure way of obtaining the penalty, but it should be the duty of the Court or Legislature to so provide that an average man would not be in such a position.

14. The only civil process now is that he would be fined £5, or in default a month's imprisonment?—We object to any form of imprisonment in an Act of this sort.

15. Can you suggest any penalty which can be enforced when a man declines to pay, and has nothing to distrain upon: This is not a civil debt, it is a penalty?—No, I cannot. I know of no method.

16. Do you think it is just, where there are twenty members, twelve of whom have property to distrain upon and are compelled to pay the penalty because they have this property, that they should suffer while the other eight, who have committed the same offence, should go free because they have nothing to distrain upon?—But that position could not very well occur if a strike were in progress, and I take it that striking is the only offence for which you could fine. If twelve opposed the strike and eight were in favour of it, the eight would be acting as individuals, and there would be no offence.

17. The union funds would be responsible, and then every individual member of the union would be responsible if there was any deficiency?—I am not clear that is the legal position.

18. Under the civil process you could distrain upon every man that you could get anything from. Take the slaughterman: The man with a home and wife and children can be forced to pay every penny-piece, but the man from Australia who has taken his share in getting the others into trouble has nothing to distrain upon?—It is a pretty complicated proposition. But I understood the majority of the men in the slaughtermen's strike were natives of this country. You are not stating the proposition fairly.

19. I will assume then that the majority were New-Zealanders: Do you think that the Australians should be allowed to work under the same conditions, commit the same offence, and yet be able to walk away without paying a penny?—On the general question, I should say that if you are going to institute imprisonment under the arbitration system as we have it in this Dominion, I think you are going to raise unnecessary strife. If I were asked to work under conditions which I considered unfair, and made by a Court ignorant of my trade, I would rather go to gaol than submit.

20. I want to find some means of putting all the men on the same footing?—Our trouble in the past has been that the Act has not been administered in the spirit in which it was conceived. If it had been there would have been no slaughtermen's strike. The Court has always been less favourable to the workers than the Conciliation Boards.

21. With regard to appeals to the Court: All the advertising, the taking of the ballot, and everything could be done away with by taking the case to the Industrial Council, but it would only be right to give every worker the opportunity of being at the union meeting before the case was taken to the Court?—Yes, I believe in that, in the case of an industrial dispute; but enforcement cases should be entirely in the hands of the executive of the union. When a case of breach comes up it is discussed by our board, and, legal matters sometimes being involved, they hand the case over to myself and the secretary. In cases of dispute I am in agreement with you that there should be a full and general expression of opinion. But the expense of sending out notices and the subsequent ballot should be done away with.

22. If we made it, instead of "by advertisement appearing in the newspapers," to read "in accordance with the rules of the union," that would cover the whole thing?—Yes. I think the union should be able to proceed through its properly elected officers. When elected by ballot they represent the feelings of members all the year round. It is owing to this fact that the union, sooner than go to the expense and trouble of calling these meetings, gives the enforcement cases to the Labour Department, and, although the Department has satisfactorily administered our awards, there are cases in which we have had to go to expense for legal assistance. In regard to an alleged holiday breach in connection with the Canterbury Typographical Association, it was a very important case to us, and involved money to the extent of about £1,000. The Department was represented by an Inspector, and the employers were represented by the pick of the legal profession of Canterbury. The Department lost the case, and yet we should have been prepared to provide first-class legal assistance, on account of its importance to us. I am not reflecting on the capability of the Inspector of Awards who pleaded the case, but wish to point out the apparent, if not real, inequality of the contest.

23. Do you not think that the provision for Magistrates taking enforcement cases will prevent a great deal of delay?—One important objection is that there may not be uniformity in the decisions. Each Magistrate may form a different opinion as to the merits of a case of breach, and if the matter is very important it will have to be settled by the Arbitration Court ultimately.

24. Do you not think there is ample case-law governing anything likely to come along for the Magistrate to adjudicate upon?—I think, in simple cases it would be an advantage to get an immediate settlement, but where there are big questions involved they will always go along to the Arbitration Court. The procedure of the Arbitration Court could be considerably simplified. The

Court practically adopts the practice of the Supreme Court, and it is very difficult for men who have had no special training to understand it. The practice is becoming much stricter.

25. *Mr. Barber.*] With regard to apprenticeship: Supposing you had a young fellow learning the trade of a compositor, or the hand-setting of type, and when he had served two or three years at that he wanted to go on to the linotype machines, do you think it would be wrong to allow him to make himself proficient in the advanced portion of the craft?—Our award stipulates that any lad may be employed on the linotype machine after he has served eighteen months at the case. Machine composition is not necessarily the advanced branch of the craft.

26. Then this clause would prevent that?—I do not think any lad should be legally indentured after he reaches the age of twenty-one.

27. In the engineering trade there are improvements going on: Do you think it is right that if an ordinary engineer wanted to follow up his trade and become an electrical engineer he should be prevented?—The whole difficulty would be met if all these indentures were submitted to some independent authority for approval, to see if they are in conformity with the intentions of an award. It might be made compulsory to submit all the indentures to an Inspector in the Labour Department to see that they are in conformity with awards governing each particular industry.

28. You make provision in your award that a young fellow who is learning composition should be allowed to learn linotyping, but you would be prevented from doing that if this Bill passes?—As a rule, in the machine-composition branches of the trade, the men are drawn from the journeymen compositors, and are generally the younger men. They are picked for their rapid work, and I do not think any lad would gain any advantage by working as an apprentice after he was twenty-one. As far as my knowledge of the trade is concerned, I do not think there is any necessity at all to make provision for apprenticeship after twenty-one years of age.

29. In some trades it takes six years for a lad to become proficient?—Yes.

30. Do you not think it is unwise to compel a boy to leave school at fifteen? Do you not think that if his parents want to keep him at school until he is sixteen or seventeen he should have the opportunity of receiving that additional education?—If a lad is kept at school after he is fifteen or sixteen years of age the schooling he would receive would fit him more for a profession. All the education required for an occupation like ours can be obtained before a lad is fifteen. If parents are desirous of giving their boys extra education they can provide for that by allowing them to attend a technical school. If this provision does not go into the Act it means that the awards of the Court will not be worth the paper they are printed on, if you can get round them by civil covenants such as I have submitted to the Committee. The employers would enter into different classes of agreements, and the protection of the Court, through an award, would be worthless.

31. *Mr. Hardy.*] Is yours a very expert trade?—Yes.

32. How long does it take a boy to serve his apprenticeship?—By the award he is compelled to serve six years.

33. And how long does it take a boy to become well educated under our present system of education, to be fairly equipped for the battle of life?—I could hardly say. I know children reach the higher standards now at a much younger age than they used to do.

34. Are you a member of a School Committee?—No.

35. Nor a member of the Board of Education?—No.

36. Do you take much interest in education?—I do not take a great interest in education generally, but it is constantly brought under my notice because I work in an establishment where the many processes of education come under my view almost daily.

37. In giving evidence you spoke of raising the standard of employment?—Yes.

38. Do you not think that education would be a good method of raising it?—In our trade the education particularly necessary to qualify a man must be acquired when he is employed at it. The ordinary academic education is not sufficient, unless it is supplemented with natural adaptability.

39. Do you not think it requires the highest talent to make it successful?—It has that now.

40. Supposing a boy came from a country district where he had had no opportunity of getting through his standards so soon as the boys in the town, would you block him from entering your trade simply because he was a country boy?—No; special provision might be made for him as an under-rate workman. We do admit men into our union who have not served their time or been indentured, but no difficulty has been experienced up to this time on that account.

41. You know that education now is of a higher class than it was twenty years ago?—I do not know that exactly.

42. You know that more people can read now than could then?—Yes.

43. Well, as it takes time to enable young people to keep pace and to take advantage of our educational facilities, you would not throw an obstacle in their way to learning your trade because they were better educated than when you came into it?—All the education required in our trade can be acquired before fifteen years of age. Some of those who have risen to the highest positions as newspaper-editors left school much younger.

44. Why fix the term at twenty-one—why not twenty-two, twenty-three, or twenty-four?—There is no reason except that I understand by the Master and Apprentice Act the term expires at nineteen years. The clause in this Bill extends the age two years, and that appears to me reasonable.

45. If a boy came into your business at sixteen years, would his term of apprenticeship be up at twenty-one? Is that what you would wish?—Yes, it is the only workable condition that can be applied, to fix the term at a certain date.

46. You would rather have a boy ignorant and a good tradesman than one intelligent and not so well fitted for the trade?—I do not know that that follows. If a boy is intelligent he naturally becomes a good tradesman. If ignorant he will never be any use at the occupation.

47. Is it because you wish to restrict the trade that you place difficulties in the way of boys becoming apprenticed?—No; as far as our occupation is concerned, we have thrown the doors open wider than we were compelled to do by the award or the law. The position is that, besides being a highy skilled trade, it is a very unhealthy one, and this to a degree militates against parents sending their children to it.

48. You spoke about clause 53, and stated that, so far as your trade was concerned, which was a highly skilled one, you approved of the clause in a measure—that your people were indifferent about it: I think you said that any one not acquainted with the work could not act for you on account of its technical character?—Yes.

49. Are there any other technical trades that you are aware of?—There may be branches of engineering and other technical occupations where it would be necessary to have tradesmen as officers of a union.

50. Are there not a great many trades which would require to have skilled officers?—It is not so much skill as the conditions of work. For instance, we have a system of measurement different to that of the carpenter. The carpenter measures by feet and inches, while we measure by em quads.

51. Could you take out measurements in architecture?—No; nor could an architect take out measurements in printing-work.

52. There are a great many trades that require skill or technical knowledge?—Yes, that is so.

53. Then, because there are these technical trades you would approve of clause 53 being given effect to?—It is a matter of pure indifference to us whether the provisions of the clause are given effect to or not. So far as our organization is concerned, we shall always be obliged to have tradesmen as officers.

54. If it requires technical skill in your trade, will it not require technical skill to manage other trades?—In my own trade it is absolutely necessary, for a man to be of any value as an executive officer, that he should be a tradesman. It is so all over the world with typographical organizations.

55. If that applies to your society might it not apply to others?—I cannot speak for others.

56. Is yours the only trade that requires technical skill to manage it?—I have not said so.

57. Do you not really think there are others that require technical skill?—I cannot answer your question any better than I have done.

58. If it requires six years to give a lad sufficient knowledge of the trade, that shows that it requires a longer time than other trades?—It might be so.

59. If it requires six years in other trades would they not be in a similar position to your own?—Our trade is of such a technical nature that any other trade has not similar peculiarities, and for that reason it would be absolutely essential that any executive officer of the union should be a compositor.

60. Do you not think that might apply just as well to other trades?—I cannot say anything about them.

61. So far as you are concerned, yours is the only technical trade in the world?—I have not said that, nor do I affirm it.

62. If it is necessary to apprentice a lad for six years in your trade, do you not think it may be necessary to do so in other trades?—I have already answered that question to the best of my ability. I have said that I cannot speak of the technicalities of other trades—I have had no experience of them.

63. Would it not be reasonable for you to assume that there are other trades that would require technical training as well as yours?—I have said so.

64. And it would be just as well for their officers to be skilled to represent them in the case of technical disputes?—It is very unfair to ask me to give an opinion on trades that I know nothing about.

65. I want to lead you in a measure not to say what is wrong, but to say what is right: Are you really sure in your own mind that there are no other technical trades in the colony but your own?—I have not said that.

66. I am asking you—are there any other technical trades?—I am aware that there are.

67. So far as your opinion is concerned, you have no objection to this clause?—We are indifferent to it. We neither object to it nor support it.

68. That is because you make provision that a skilled officer shall represent you?—It is absolutely essential that that should be so.

69. It is essential on account of the technical nature of your trade that you should be represented by men who understand the trade?—Yes.

WILLIAM THOMAS YOUNG examined. (No. 37.)

1. *The Chairman.*] You are a resident of Wellington, and you represent the organized bodies of tramway employees in the colony?—Yes.

2. You are general secretary of that body?—Yes.

3. Will you please voice their opinion so far as you can on this question?—The evidence I have already given on behalf of the Parliamentary Committee of the Wellington Trades and Labour Council will suffice very largely in respect to what I have to say on behalf of the Tramways Federation. The Executive Council of the federation have considered the Bill since I last gave evidence here, and passed this resolution, which I desire to place on record: "That this Executive Council of the Tramways Unions Federation, representing the Auckland, Dunedin, Christchurch, and Wellington Tramways Employees' Unions, having perused the manifesto issued by the Parliamentary Committee of the local Trades and Labour Council in respect to the Conciliation

and Arbitration Act Amendment Bill, and having considered the measure, hereby place on record our entire approval of that manifesto, and consider the measure to be anything but in the interests of the workers. Further, if the measure is made law, this council will immediately recommend the unions under its control to cancel their registrations under the Act, in order to preserve the rights and privileges it proposes to deprive them of. That the secretary be instructed to give evidence against the cardinal features of the Bill before the Labour Bills Committee on behalf of the federation." That resolution was passed on the 25th September last. The statement was made that the Tramway Union of Auckland supported the Bill. When that statement was made I was giving my evidence before this Committee. On retiring from this room I immediately sent a telegram through to the Auckland Union conveying the substance of the statement, and desiring to know if that statement was correct or otherwise. I received a reply to this effect, dated the 21st September: "Surprised at contents of your telegram. Union authorises you to give evidence before the Commitee against the Bill on its behalf. Authority and full instructions posted to-day, along with copy of letter sent to Minister. You should get it on Tuesday morning. Act on it at once, and refute statement. This union condemns the Act.—ROSSER." Subsequent to the telegram I received this power of authority from the Auckland Electric Tramways Union, dated the 21st September: "Mr. W. T. Young is hereby authorised to appear before the Labour Bills Committee of the House of Representatives to give evidence against the Industrial Conciliation and Arbitration Act Amendment Bill, 1907, on behalf of the above union.—ARTHUR ROSSER, Secretary." Accompanying that power of authority was this letter, of the same date, from the same union: "Mr. W. T. Young, Secretary Tramways Federation, Wellington.—DEAR SIR,—I received your telegram last night, and am very much surprised at the assertion that the Minister had received a communication from my union approving of the new Bill. At a meeting of the management committee called to consider the matter the members considered no expression too strong in condemnation of the measure, and I was instructed to authorise you to appear before the Labour Bills Committee on behalf of the union and give evidence to that effect. I was also instructed to send you a copy of the circular letter sent by the president under the seal of the union to the Hon. J. A. Millar and Messrs. Tanner, Poole, and Ell. This copy is now enclosed, and on perusal of it you will have great difficulty in seeing anything that can be construed to be in favour of it. The A.E.T. Company are in favour of the measure from beginning to end, and it has occurred to me that perhaps Mr. Millar has received a communication from them to that effect, and has confounded the company with the workers' union. I know the measure meets with the approval of the company, because one of the principal officers has been inquiring as to when the Act was likely to come into operation, and also advising the men as to the selection of a secretary from their own ranks. My union would send a representative to Wellington to give evidence against the Bill, so strongly do the members feel against it; but we are engaged in a fight to a finish with the City Council and the company over the "straphanger" by-law, and we shall need all our money, and perhaps more. For this reason we ask you to be good enough to represent us and oppose the Bill on all points. You cannot put it too strong.—ARTHUR ROSSER, Secretary." This is a copy of the letter sent to the Hon. Mr. Millar and Messrs. Tanner, Poole, and Ell: "Auckland Electric Tramways Union, Auckland, 16th September, 1907.—DEAR SIR,—As president of a union that by force of circumstances is compelled to employ as secretary a man from outside our own calling, it is my duty to represent to you our strongest condemnation of the provisions of the new Arbitration Act Amendment Act. Although there are other tramway unions in the colony, my union is unique in having to work under a private company, the headquarters of which are in London. The other tramway systems of the colony are owned by municipalities, who are generally expected to advance the interest of the electors who place them in their public position, and any defection on their part in this respect can be coped with once every two years at the ballot-box. On the other hand, the members of my union are working for a rich foreign private company, whose sole object is to create the highest dividends for its shareholders, 60 per cent. of whom are out of the colony, at the lowest possible outlay. During the few years that my union has been in existence—since 1903—we have found that our secretaries, when taken from our own ranks, have been complete failures, as they have always been liable to be under the thumb of the company, and have not been able to act independent of their own necessarily selfish interests. As an instance of this kind of tyranny by the company, I may mention that two years ago we had a secretary who was a conductor in the employ of the company, and, being instructed by the union to proceed South in the interests of the men, he did so under holiday leave from the company. Unfortunately he overstepped his leave by a day, and on his return he was told his place was filled. Other cases can be cited of a like character, but I trust I have given sufficient reasons for my union objecting to the Bill on this one clause alone. Surely the union members are the best judges as to the best men to select as their officers without such unwarranted interference from an Act brought down by a *bona fide* Labour Minister. We object to the Act *in toto*, as it takes away our right to settle our disputes with the least expense to our union—viz., the direct appeal to the Court; because it interferes with our right to dispose of our funds as we think fit; because it limits the selection of men for our officers. Therefore, I am instructed to oppose the measure most strenuously on behalf of the union I have the honour to be the president of, and to state further that if the Act passes in its present revolutionary condition, my union will cancel its registration as an industrial union and employ whom we please, and settle our disputes with a rapacious private company in the effective, if cruel, method of a strike, without fear of a prosecution and resultant fine for so doing. I have written somewhat strongly, but my fellow-members feel strongly upon this matter, and have commissioned me to speak out straight upon it. We look to you, from the representations you will have received from all quarters, to prevent the Bill going through in its present state, as the greatest measure of approbation comes from the Employers' Association, and that is quite sufficient to set a wise man thinking.—Trusting you will see that

this Bill undergoes a radical alteration, I remain, &c., P. C. BUCKLEY, President." The Wellington Tramway Union has also considered the Bill, and passed a resolution against it, and decided that this circular letter, embodying the resolution, should be forwarded to members of Parliament: "Wellington, 3rd September, 1907.—DEAR SIR,—I have the honour, by direction of the aforesaid union, to transmit to you the hereinafter resolution, which was unanimously adopted at a meeting of members held on the 1st instant: 'That this union enters a strong and emphatic protest against the Conciliation and Arbitration Act Amendment Bill, 1907, in respect to the proposals (1) to abolish Conciliation Boards and replace them with Industrial Councils; (2) authorising employers to deduct 25 per cent. of the wages due to a worker in order to liquidate any fine that might be imposed; (3) prohibiting unions from registering under the Trade Union Act; (4) compelling non-unionists to contribute to the funds of the union, and restricting those unions in respect to the use of their funds; (5) prohibiting persons other than those who have been or are employed in the trade the union represents from occupying the position of an officer or occupying a seat on the management committee in any union.' I am further directed to point out that none of the propositions specified in the above resolution have been asked for by the workers, and, as my union is strenuously opposed to these becoming law, the members seriously desire that you should exercise your influence and vote in the House in the direction of having those provisions struck out of the Bill, thereby assisting to conserve the very best interests of the union, along with those of the workers generally throughout New Zealand.—On behalf of the aforesaid union, and trusting to have your hearty support and co-operation in the direction indicated, I am yours faithfully, W. T. YOUNG, Secretary." I have also been in communication with the secretary of the Dunedin Union, Mr. Breen, who is also secretary of the Trades and Labour Council in that city, and he sent me this letter, which is dealing with the matter generally, and may be of some interest to the Committee as to the feeling of the unionists at Dunedin in respect to the Bill: "Trades Hall, Dunedin, 11th October, 1907.—To Mr. W. T. Young, Queen's Chambers, Wellington.—DEAR FRIEND,—The newspaper report of a meeting of the Carpenters' Society was the only information I was in a position to forward you on receipt of your letter. Since then I have been informed that at the time the statement was made by the Hon. J. A. Millar in reference to the Bootmaker's Union nothing had been done by that body further than to condemn the clause *re* officering unions. Since then the bootmakers have gone fully into the various amendments, and have forwarded a copy of the resolutions passed to the Minister and Messrs. A. R. Barclay and J. F. Arnold, M.P.s. So far as I can gather, the only union that has expressed itself favourable to any clause is the Carpenters' Society, and in that respect the newspaper report is correct. The statements made by Mr. Millar before the Bills Committee are on a par and just as misleading as the one he made to a representative of the Christchurch *Press* in reference to a deputation of leading citizens who waited on him while in Dunedin, and expressed their approval of his amendments. At the Council meeting the delegates present denied having any knowledge of who comprised the deputation. I have since heard that the deputation consisted of three members of the Carpenters' Society, but that they had no authority to appear on behalf of the society. My own opinion is that they simply went to see Mr. Millar in a friendly way for the purpose of assuring him that they did not approve of the hostility that had been shown to him and his amendments. I have no doubt that Mr. Millar will not forget them when there are any appointments to be made. It would be worth while for you to get a copy of the resolutions that the bootmakers passed, because I understand that they are anything but favourable to the Bill.—Yours faithfully, R. BREEN." I have the newspaper clipping here of the consideration that was given to the Bill by the Dunedin Carpenters' Union, and it shows that they had given consideration to six points. They approved of three and disapproved of three, and, according to Mr. Breen's advice, the Carpenters' Union is the only union that has approved of the Bill.

4. *Hon. Mr. Millar.*] That is as far as you know?—Yes.

5. *The Chairman.*] Have you anything from Christchurch?—Just a brief statement from the secretary that they do not approve of the Bill. Going back to the Tramway Federation, I might say that, so far as clause 53 of the Bill is concerned, if that is passed into law it will affect four Tramway Unions' secretaries in the colony at once, to say nothing about the other officers or members of the management committees.

6. All the secretaryships are held by men other than employees?—That is so. I might also mention that before I took over the secretaryship for the Wellington Union they had a man acting in that capacity who was employed as a motorman. His name was Richardson, and he was not in an independent position so far as his employers were concerned, and the result was that the union did not appear to prosper, and when I took it in hand it merely had a membership of sixty-seven, with about £5 to its credit. Its membership is now up to 375, and I suppose it has a credit balance, roughly speaking, at the present moment of about £150, and there are very few men in the service now who are outside the union. We claim the right as an organization to employ whom we choose as our officers, just the same as any company registered under the Companies' Act claims and exercises the right to employ whom it chooses as manager. If the members of the union are satisfied that an unskilled man, or a man that is not acquainted with the highly technical nature of the occupation—as I have heard it stated this morning—is better able to conduct its affairs than a man who is highly skilled, then I think the union should be allowed to exercise that right. And I would like to say this: that the duties of the officers are defined, and that appears to me to be overlooked. The duty of an officer is defined in every union's rules, and it does not necessarily follow, because a man occupies the position of an officer of a union that he must necessarily go along to the Board or the Court—whichever you choose—and plead a case on behalf of the union. Under the Act the union can choose whom it likes to represent it before the Board or the Court. If it chose it could go to Porirua and get one of the patients to represent it; but in that case the authorities, of course, have power to prevent the patient leaving the institution. So that an officer of a union is not required to know everything concerning the technicalities of the trade after all.

His duties are specified as to what he shall do and what he shall not do, and a knowledge of technicalities is only required when the representative goes along to the Board or the Court to conduct a case. However, that is how it affects our four Tramways Unions in the colony and also our federation, and we are satisfied that the Bill would do more injury than good if it passed in its present form. I have just prepared a few figures here—I have not been able to get time to complete them—which I desire to give to the Committee. I have prepared a return showing what was done up to the 31st December, 1900, when what is known as the Willis blot came into operation. I find that up to the 31st December of that year and from the date of the Act coming into operation, the 1st January, 1895, there were 34 recommendations of the Boards accepted. During the same period there were 39 industrial agreements entered into without the intervention of the Board or Court, and for the same period there were 85 cases referred to the Court from the Boards. Therefore it will be seen from that that there were 73 cases settled without the intervention of the Court and 85 cases were referred to the Court, or very nearly half of the disputes were settled without the intervention of the Court at all. Now, for that return to be complete it would be necessary to give the Committee similar figures covering the period from the 31st December, 1900, up to the 31st December of last year. I have been going on with that return, but so far have not been able to complete it; but as far as I have gone it certainly shows that the Boards have not done the same work since the amendment was passed.

7. You are pointing out that up to the time of the Willis clause becoming law half the cases were settled without the intervention of the Court?—Yes. On the 31st December, 1900, there were 191 industrial unions of workers registered in the colony, and on the 31st December, 1906, there were 274 industrial unions of workers registered, or an increase of eighty-three unions in the course of those six years. I do not know that I have much more to say in connection with the Bill.

8. We can take your evidence previously given on the Bill: it is not necessary to duplicate that?—No, sir. I should like to say this: that so far as the Seamen's Union is concerned it is almost an impossibilty to comply with the Act in sending out notices of special meetings and ballot-papers. Our membership is a floating one. A man might be here to-day and next month you might find him in San Francisco. It is almost impossible to keep a man's address, and we hardly know what to do to comply with the law in this respect. As far as the Seamen's Union is concerned, I think if a special meeting were advertised in the Press at the port, and notice of it was sent to each union delegate on board each ship, that should be sufficient.

9. You make that as a suggestion?—Yes.

10. *Hon. Mr. Millar.*] That would apply to the nomadic class generally—such as timber-workers in the bush, shearers, and others?—Yes. It is only about two weeks ago that I destroyed somewhere about three hundred notices of meetings that had been returned to me by the Postal Department, of persons who could not be found. Then there is the point in the Act in respect of striking members off the roll when twelve months in arrear. We find that we cannot do that with our federation. Our members are continually on the move. I find that men come from New South Wales and transfer to Wellington. They sail out of Wellington a few months, and after paying into the branch for a time disappear. They may go to Auckland and transfer. Perhaps I hear nothing of them for a year or so, and then I find they have joined another branch. We cannot strike a man off the roll, because I do not know whether he may not have transferred to another branch of the federation. I think the clause should not apply to a union that is part and parcel of a federation. According to our rules a man is a member of the federation so long as he is paying into any branch of the federation.

11. *Mr. Barber.*] Would not the branch keep him on the federation list?—Yes.

12. *Hon. Mr. Millar.*] You might have him on three or four lists appearing as a financial member?—Yes. I might strike a man off and he might turn up again the day after. We find these two provisions in the Act very difficult to deal with.

13. The object of the clause was that you should not be able to sue for arrears after twelve months, in order to keep the roll pure?—It appears, according to Dr. McArthur's ruling, that you cannot get the twelve months' arrears either. We took a case into Court the other day for twelve months, and got four months.

14. *The Chairman.*] Why?—The position was this: The man had tendered his notice of resignation in writing to the union, but in the payments he made he was one month short; he should have paid up to cover his notice to resign. Instead he only paid two months' contributions. When the time expired we took action to recover, contending that he had been a member all the time, and we only recovered 4s.

15. *Hon. Mr. Millar.*] You read a letter just now from the president of the Auckland Tramway Employees' Union, in which he gave the opinion of the Auckland Union?—Yes.

16. Will you telegraph to him stating that I hold a telegram saying, "Majority of my union approve of the Bill.—PRESIDENT OF THE AUCKLAND TRAMWAY UNION." Since I got his letter I am getting the Postal Department to give me the name of the person who signed that telegram at Auckland—because it would have a signature on the back of it. The telegram came to me officially?—Yes.

17. Is it a fact that the Wellington City Corporation laid it down as a rule that their employees on the tramways must be members of the union?—Yes.

18. Was that the result of a large increase in membership?—No. There has been a good number of men coming in—new arrivals—but that clause did not apply to men in the service, but to those who subsequently joined. Mr. Justice Sim holds that it is not worth the paper on which it is printed, because it says that the employee must become a member within one month of entering the service. He further points out that the employee is not a party to the agreement, and says it throws no responsibility upon him. There is a clause on the application form which distinctly provides that a man must join the union within one month of entering the service. The membership had gone up very considerably before this agreement had come into operation.

19. I think you wrote up to Auckland the other day stating that the Tramway Union approved of the Bill?—I do not think so. The Furniture Trade Union supported it conditionally. It appeared to me, after discussing the matter with them, that at the interview with you they did not understand the true purport of the Bill.

20. Mr. Westbrooke understood the Bill, did he not?—I believe he has given it some consideration. He was here and gave evidence as a member of the parliamentary committee of the Trades and Labour Council.

21. He was president of the Furniture Trade union?—Yes.

22. And he was here and discussed the Bill?—Yes.

23. I suppose you know Mr. Betts?—Yes, he used to be secretary of the Reefton Miners' Union.

24. He is now?—I have information from the organization that he is out of it—that he has taken up land.

25. He approved of the Bill for one?—You will find individual members of unions who approve of it; but what you have to take into consideration is the large number of organized unions who do not.

26. If a majority of the organized unions approve of the Bill, should they not receive consideration: one union represents twelve hundred men?—I suppose each union knows its own business.

27. Well, what is good for the majority cannot but be good for the minority?—It seems to me that an attempt is being made here to legislate for the minority.

28. You are getting your opinions from certain members of the Trades and Labour Council. There is one union which has communicated with me which represents eighteen hundred hands—a registered union of workers, and their opinion ought to be taken as well?—But are you going to legislate for isolated cases.

29. What about the gold-miners?—The Waihi miners passed a resolution against it, and I should say they number about fifteen hundred.

30. The coal-miners are a large number of men, are they not?—Yes.

31. And there are other large bodies which approve of the Bill. You heard the representative of the Typographical Union this morning?—Yes.

32. *Mr. Poole.*] In view of the hostility that exists at the present time in tramway affairs in Auckland, do you think it would be possible to carry on effectively the work of the Tramway Union if clause 53 became part of the Act?—Yes, we would carry on the work of the union very effectively, and perhaps more effectively than it is carried on now, because we would relieve ourselves of the Act.

33. I mean by loyally standing to the Act?—I am satisfied it would not. Of course, they might be able to struggle on, but to carry on would be a different thing altogether.

34. You think that a man actively engaged in the tramway service in Auckland could not do the work satisfactorily?—They have already tried it, and it proved an absolute failure. Their secretaries have been absolutely useless to them.

TUESDAY, 1ST OCTOBER, 1907.

MICHAEL MURRAY examined. (No. 14.)

1. *The Chairman.*] What are you?—A waiter.

2. Are you connected with any union?—Yes, the Cooks and Waiters' Union.

3. Do you hold any office in it?—Not at the present time.

4. Do you come here as a delegate from that union?—No.

5. You come as an individual member?—Perfectly individual.

6. Have you held any office in the union?—I have.

7. What has it been?—President.

8. You are ex-president of the union?—Yes.

9. How long have you been out of that office?—I think about five months.

10. You are acquainted with the management of trades-unions?—Yes.

11. Have you seen this Bill known as the Industrial Conciliation and Arbitration Act Amendment Bill?—Yes, I have seen it, but not studied it.

12. Are you a member of the parliamentary committee of the Wellington Trades and Labour Council?—No.

13. You are not working as a waiter now?—No.

14. Will you tell us what you have to say in your own way?—I may say that I was one of the organizers of the Cooks and Waiters' Union, and took a prominent part in forming and carrying out the work of that union from its inception, and when the union's case was brought before the Conciliation Board I conducted it with the present secretary and another representative. Since then I have found it absolutely impossible to get employment as a waiter about Wellington. My name has been upon the labour books for the last twelve months. It has been transferred forward and forward as the books have been made up not only as a waiter, but also as a barman, porter, or any other position in Wellington; but I find it is impossible for me to obtain employment in any hotel in town.

15. You have been out of a billet as a waiter for the last twelve months?—Almost twelve months.

16. Where were you working at your last place?—At the Hotel Cecil.

17. Why did you leave?—I left there for a holiday. I had not had one for two years.

18. Did you leave with the knowledge of the proprietor?—Yes.

19. With his consent?—Yes.

20. Was there any understanding that you should go back?—If the place was vacant I was to take up the work again, but I found when my holiday was over that my place had been filled.

21. Had anything been said about you going back?—No.

22. How long was your holiday?—Ten days.

23. Can you divine any reason why your place was filled up in the ten days?—No.

24. Was any reason assigned to you?—I may say that I was second waiter, and the head waiter and I did not agree very well.

25. Since then you have been utterly unable to find similar employment in Wellington?—I have.

26. Have you applied?—Yes, on various occasions.

27. To the various hotels?—Yes, and have also had my name on the book at the Labour Department. Engagements are taken from the Labour Department's book.

28. Has the business been fairly busy during the interval?—Yes, as busy as usual.

29. How is it, then, that you could not find employment?—I could not say, sir.

30. Is there any organization amongst the proprietors of the hotels or of the various refreshment places?—There is the Licensed Victuallers' Association and the Employers' Association in Wellington. Those are the only associations amongst the employers I know of.

31. Have you decent credentials?—I have.

32. Have they ever been considered by the people to whom you applied?—I have never been asked to produce them. One would perhaps say it was not necessary, as I am pretty well known amongst the hotel fraternity.

33. How long have you been in business as a waiter?—A matter of ten years, both on ship and on shore.

34. Have you anything more to say?—No, sir.

35. Well, your evidence amounts to this: that you have been ten years in the business; you left what seems to be a decent establishment on a holiday with the full knowledge and consent of your employer, and when you expected to get back when your holiday was over—which only lasted ten days—you found your place permanently filled, and you have not been able, after repeated applications, to get work during the last twelve months?—That is so.

36. Can you give any cause for this?—Only that I and the head waiter did not get on very well.

37. But that only applies to one place?—Yes. There have been plenty of places in Wellington where they wanted men.

38. Your name has always been on the employment register?—Constantly. In my last place I held the position of second waiter for twelve months.

39. *Mr. Bollard.*] Have you come to any conclusion in your own mind as to why you do not get employment?—The only conclusion I can draw is that I took too prominent a part in the organization of this union.

40. Do you know of any others who have tried to get employment as waiters and have not been able to get it?—No.

41. Do you think you are a marked man, then?—I firmly believe so, sir.

42. Because you took an active part in organizing the union?—That is the only cause I can attribute it to.

43. *Mr. Barber.*] What is the condition of the trade—are there many out of work?—There are always certain men out of work, and there are always a certain number of vacancies every week. There have been over a hundred vacancies since I left the Hotel Cecil.

44. And you have not been able to get in?—No. I have been told to get work outside Wellington, and have been sent up to race meetings. Those are the only places I have been able to obtain employment at since.

45. *The Chairman.*] That is just a petty casual job?—Yes.

46. When was this union formed?—In January, 1906. That was the month when we first met to consider the advisability of re-forming our union.

47. Had there been a previous union?—Some years ago there had, but it was lying dormant.

48. How long had it been in that condition?—About three years.

49. And in January, 1906, you reconstituted it?—Yes.

50. You took part in it?—Yes.

51. At what date did the litigation take place with your union?—September of the same year, I think. It was about that time when the Board sat.

52. You were still employed at the Hotel Cecil at that time?—I was.

53. How long after that was it that you took your holiday?—In October, the following month.

54. Then, you never really worked long under the terms of the award that was given about September, 1906?—I did not work under that award. It did not come into force until I left.

55. So you cannot speak of your own knowledge of the new conditions?—Not personal knowledge.

56. Were you willing to accept those new conditions? Lots of people accept what they are not satisfied with?—I did on that occasion.

57. You accepted the decision of the Court, and were prepared to go on with your employment under the conditions laid down in the award?—Undoubtedly.

58. And your proprietor knew that?—Yes.

59. *Mr. Bollard.*] Do you know of any other person in a similar position to yourself who took an active part in the formation of that union?—The present secretary of our union was placed in a somewhat similar position, I believe; but as soon as he left his employment he was appointed secretary of the union.

60. *The Chairman.*] You refer to Mr. Carey?—Yes.

61. So that Mr. Carey is not actively engaged in the business now?—Since he left acting as waiter he has been our secretary.

62. *Mr. Bollard.*] Does he get sufficient remuneration to enable him to do that work?—We pay him sufficient to keep him.

63. *The Chairman.*] Are you still a member of the union?—Yes.

64. Did you find a man not actively engaged in the business but who had been employed in it and was conversant with it?—He could not work actively in the business, because his time would not allow him.

65. The work would interrupt his duties too much?—Yes.

66. *Mr. Hardy.*] You spoke of the Hotel Cecil: did Mr. McParland dismiss you?—No.

67. He did not find you employment when you went back?—No.

68. He would not employ you because of your differences with the head waiter?—That was the reason, I believe.

69. Would it be generally known that you did not get on very well with the head waiter there?—I think it was known to Mr. McParland and the other waiters.

70. Would it be known in the city—reports get about?—No. We keep those things to ourselves.

71. If Mr. McParland knew you did not get on well with his head waiter, would it not be his duty to tell his society, the Licensed Victuallers, about it—that you could not get on with the head waiter?—I do not know. That is a matter for him.

72. It would be fairly natural for him to do that?—I do think he is a man who would do that.

73. You feel that you are boycotted?—I feel that I am.

74. Are you boycotted because you could not get on with the head waiter?—I do not think so.

75. Is it not the sign of a good waiter when he can get on well with others in a hotel?—Not in our business. Every week we find that men do not get on well.

76. In order to carry on the work is it not well that things should go on smoothly together?—Yes.

77. Because you did not work smoothly together you did not get on well?—I never allowed any difference with the head waiter to interfere with the work in the dining-room.

78. Are there many waiters out of work in Wellington?—Very few.

79. Do you not think that if a man is a good waiter he would be sought after?—One would be inclined to think so. If it is a matter of my being a good waiter, all I can say is that, from places such as race meetings, the secretary has got letters from people stating how well my work was carried out in the catering department.

80. How long were you in the Hotel Cecil?—One year and nine months.

81. Have you stayed long in other places in the colony?—With the exception of about a fortnight at the Empire Hotel, the Hotel Cecil is the only hotel I have been in in Wellington.

82. Were you a waiter before you came to Wellington?—I was on board ship.

83. Stewards make good waiters: would not that fact assure you a good position ashore?—It should, sir.

84. Has any one told you he would not employ you because you were a member of the union?—No.

85. Then, it is only your surmise that your connection with the union has affected your chance of getting employment?—In places where I have applied for work as a waiter I have been told the vacancy has been filled, and within an hour another man has applied and secured the position.

86. Has not your imagination run away with you?—I think not.

87. If the case was sufficiently strong could you not bring it before the Court?—I should like to, sir.

88. Could you not get your secretary to employ a lawyer in order to enable you to bring a case before the Court?—I do not think it would be advisable.

89. If a member of a union is being boycotted, as you say you are, is it not well to punish those who do wrong?—It is so difficult to prove that they are doing wrong or conducting a boycott.

90. Why do you say it is a boycott without having any evidence to prove it?—The only reason I can give is that I am boycotted. I was asked if I believed I was being boycotted, and I say Yes, I believe I am.

91. Do you know that you are being boycotted?—I cannot say I know.

92. Then, it is only imagination after all?—It is a surmise on my part.

93. You know that we do not approve of the boycott, and that the law will punish those who practise it?—Yes.

94. Why not help the Department to put it down, then?—I will do my best.

95. You can really do nothing to effectively punish these people?—No, sir.

G. H. LIGHTFOOT, Secretary of the Amalgamated Society of Carpenters and Joiners, re-examined.
(No. 15.)

The Chairman: You desire to supplement your former evidence?

Witness: Yes. I promised to procure a copy of the clause in our industrial award dealing with men considered incapable of earning the minimum rate of wages. It is as follows: "Any workman whose wages shall have so been fixed may work and be employed by any employer for such less wages for the period of six calendar months thereafter, and, after the expiration of the said period of six calendar months, until fourteen days' notice in writing shall have been given to him by the secretary of the union requiring his wages to be again fixed in manner prescribed by this clause."

By Authority: JOHN MACKAY, Government Printer, Wellington.—1907.