

187 The Government certificate is a certificate of proficiency and entitles the holder to employment?—It is not clear in the Bill, but I presume so.

188 With reference to overcrowding May I take it that you are not in favour of overcrowding your cars beyond the limits fixed by the Auckland City Council?—I am not.

189 You are not in favour of indiscriminate overcrowding?—No.

190 Is it not a fact that the equipment suffers when more than a reasonable number of passengers is taken on a car?—Yes.

191 In the matter of overcrowding is it not a fact that the men have taken a sturdy stand, and said they would not take more than a certain number?—Yes.

192 Have you blamed them for it?—No.

193. Where the inspectors have, in their excessive zeal, put over a certain number on the cars, have you checked them for it?—The inspectors have been instructed that they are not to overcrowd the cars or to encourage overcrowding beyond a limit.

194. Have any instructions been issued to the men that they are not to overcrowd?—The men have instructions very plainly before them without my instructions.

195. You mean, from the union?—The union and the Auckland City Council.

196. There are no specific instructions issued that they must not overcrowd?—No, that is unnecessary.

197 My principal business is with regard to the Appeal Board, Mr Walklate. How long has that so-called right of appeal to the directors existed in Auckland? Was it prior to Dr McArthur's decision?—No, we only had one local director then. It first came up when we were negotiating the last Tramways award.

198. Then Mr Rhodes became a director, did he not, and took part in the deliberations?—That is so.

199 Do the employees have a representative on that board?—They have had a representative before the board.

200. But not on the judicial board itself?—No.

201 It consists of the two local directors?—That is so.

202. Do you give the secretary of the union or the representative of the man the free right of discussion before that appeal board?—Certainly on those occasions when cases have been brought before us. You yourself have appeared, and have had, I think, an unrestricted right.

203 Let me remind you that the first case was that of Inspector Tickell and Williams the motorman?—I forget which was the first.

204. Williams had to conduct his own case—I was not allowed to take it for him: is not that a fact?—I think you are right; he did conduct his own case, but was not that due to the fact that you came in only after it had started?

205. Is it not a fact that practically the appeal board has been set up as a result of the decision as to an appeal board by Dr McArthur?—I think it was set up through being embodied in your requirements when we were discussing the terms of the award. The appeal board was mentioned at the Conciliation Board's proceedings, I think.

206 You mentioned that it clashes with the arbitration law: are you aware that the Arbitration Court carefully decided that it will not interfere only in matters provided for in an award or an agreement?—No, I am not. It may be so, but I am not clear about it.

207 The Arbitration Court only exercises jurisdiction in breaches of an award or an agreement, or breaches of the Act. You were unfortunately pushed into the 1908 strike?—Yes.

208. I suppose you will admit that the men were not prosecuted for any breach of award in striking?—The men were not prosecuted.

209 We were fined for it?—The union as a body was.

210 Will you admit that that strike was not against the award, but against the administration of the company?—Yes.

211 We never struck against the award?—The strike was on the question of the dismissal of Conductor Herdson.

212. Therefore the Court would not interfere if the men rebelled against a regulation issued by the company. Do you know that the Court would not interfere if the men resented a regulation of the company that was not in their award?—Unless the regulation ran counter to an award.

213 You say that fines are not legal does it ever happen that a man for an offence is ordered to the head office when he should ordinarily be working, and that thereby he loses a day's pay?—That is so, when the man is in fault.

214. When he is alleged to be in fault?—I say advisedly, when he is in fault. After his case is investigated, if it is found that he is not to blame, then it is understood that the money has to be repaid.

215 That is only for trivial cases?—Of course, if the union says the case is not trivial the matter has to be investigated and decided.

216 Take the case of Motorman Mason, is that trivial?—That is not finished.

217 You say that the Appeal Board would interfere with discipline will you define the meaning of "discipline"?—I am afraid it is difficult to define the word "discipline."

218. Let me put a case to you. If a man is accused of a fault, and he takes his case to the Appeal Board, and his appeal is sustained, is that subversive of discipline, or is it discipline to punish a man for no offence at all? What is the meaning of 'discipline'?—We are endeavouring to the best of our ability not to punish a man unless he is entitled to and deserves punishment; but the reason I say that the Appeal Board would be subversive of discipline is because it would give the men two authorities to look to.