

in New Zealand, I am going to urge the Labour Bills Committee to recommend that even this section of the Bill be dropped. The thing to do in my opinion—and I think I am voicing the opinion of the Council—is for Parliament, before further amending the Act, now to appoint a Commission to inquire into the working of the system of arbitration in this country, the Commission to sit during the recess to hear witnesses from all the cities, and then come along next session with a draft Bill that will, at all events, be framed so as to make for more industrial peace in the future than we are enjoying at present or have been in the past in this Dominion. This special section is still another experiment. Its precedent does not obtain in any country. In Canada, which has a section which is the nearest approach to it, there it only affects big utility industries, and after the disputing parties have sought to come to a settlement the dissatisfied union is still privileged to strike. Even if Section VI were passed it would not prevent, in a time of industrial crisis like the present, a union going out on strike if it decided so to do. There are now on strike unions registered under the Arbitration Act, and they have deliberately and knowingly put themselves under the penalties of the Act. We of the Trades and Labour Council maintain that the best way to bring about industrial peace is to encourage unions to come voluntarily under the system of compulsory arbitration and registration under the Act. You will not be able to effectively force them to do it, and if you pass this section just now it will not have any effect at all on the present industrial crisis. We are opposed to this because we believe that those unions which choose the strike method—foolish as we may think them—rather than the system of arbitration are within their rights. We think that what is right for one man to do individually is right for a number of men collectively to do. We regret that they cannot see along the line with us and agree to submit to arbitration, but the fact is that the Arbitration Act has been administered so unsympathetically that unions have been driven away from it. Many of the judgments of the Court are so out of touch with public opinion and with what is considered fair and reasonable by the unions that some unions have thought it better to go back to the old method. They consider they can do better by getting outside of the Act. The agreements that the two big unions now on strike have secured from the employers were got after they seceded from the Act. The waterside workers asked for certain rates and were refused, but as soon as they cancelled their registration they got pay and conditions which had been denied them for years by the Court. The same thing happened in the case of the Seamen's Union. The Seamen's Union for years and years went to the Arbitration Court and asked for preference and improved conditions. They were able to prove that their union represented 98 per cent. of the men employed on ships here; and year after year the Arbitration Court denied them preference, an eight-hour day, and many other concessions which they immediately got when they cancelled their registration under the Act. You can take many of the latest awards even now, and you cannot convince the ordinary worker that he can get anything like justice under the Arbitration Court as at present constituted. That is the reason why there is not anything other than dissatisfaction with the administration and unfairness of the judgments of the Court. It is this want of confidence in the Court that has driven these men to the stand they are taking and that has made for the present crisis. I am satisfied that if a Commission were appointed, and that Commission took evidence and asked the President of the Arbitration Court for the reasons for certain Court awards and for the basis on which it framed those awards, it would be a good thing. The evidence of others interested might also be taken, and thus a good result might be arrived at. I think, instead of the Labour Bills Committee recommending anything in the nature of panic legislation, the ultimate result of the setting up of such a Commission as I recommend would be the passing of a Bill which would make for industrial peace. After all, industrial legislation everywhere is only an experiment. I may mention that a special Commissioner recently came here from another country, and as a result of his inquiries he wrote that the 1908 amendment of the Act would be to make for industrial peace in New Zealand for the future. He proved a very bad prophet, as witness the present trouble. Even under this section, if it were made law, the thing could be made farcical by ten men in a dozen different parts of New Zealand immediately asking that Industrial Disputes Committees be set up. Under this section of the Bill a hundred Industrial Disputes Committees might be set up in a hundred different parts of New Zealand to inquire into a hundred industrial disputes, and such a result would be most unsatisfactory and bring the law into ridicule. We urge that there is no need to pass this legislation at all, and that if this legislation is passed it will have to be repealed in a year or two. As has been pointed out by the previous witness, it may happen that in the case of ten men being instructed by a pig-headed shift boss to do dangerous work, say, in a mine stope, they may for the protection of their own lives refuse to do the work and may strike. In cases like that it is inconceivable that men should be asked to give notice that they are going to strike when if they remained at work they would be endangering their lives. I admit it is an exceptional case, but it is the exceptional cases that very often prove the foolishness of certain provisions of an Act. We recommend that before this legislation is passed special invitations should be sent to those men representing the trades-unions—not arbitration unions—and those unions now on strike, and that they should be asked to give evidence before the Labour Bills Committee on this section. We think it is only fair that they should be given an opportunity of stating their views. We do not think it would be any good passing this provision with regard to strikes and lockouts for the reasons I have given. This legislation is experimental, and it is not wise to experiment until some able man has been appointed a Commission to hear the evidence, investigate the working of the system, and prepare a Bill for presentation to the Government of the day to bring before Parliament. In regard to the secret ballot, I would suggest the enactment of a provision amending the Trades-union Act and the Arbitration Act, insisting that no union shall be registered under either statute which does not provide in its rules for a ballot over all the