

medicines necessary for the preservation of health. There should be no exemption which permits the sale of an article in a shop privileged to be open, while the law insists on the closing of a shop the business of which depends on the regular sale of such article. The position is unfair.

INDUSTRIAL CONCILIATION AND ARBITRATION.

The session of Parliament, 1903, produced three small Acts affecting the provisions of the Act. Two of these were for machinery purposes only—viz., the Arbitration Court Emergency Acts, Nos. 1 and 2. They mainly legalised the appointment of deputies to fill the places of members of the Court (other than the President) in case of illness, &c. The third Act—viz., “The Industrial Conciliation and Arbitration Act, 1903”—contained more important matter. Section 4 provides that the Court may extend an award beyond an industrial district. The original Act confined the operation of an award generally to the industrial district of origin mainly because it was considered that the circumstances controlling industry in one part of the country differed from those in others, and that no common standard of wage or earnings could be fairly applied to all districts alike. It was found afterwards by experience that cases could arise in which injustice would be wrought if an award was confined to a single district. An example may be quoted of an industry brought under an award by which high wages were compelled to be paid for certain classes of work. In the adjoining industrial district no award had been applied for in that particular trade, so poor wages were the rule, and work was executed at exceedingly low rates, with the result that the district under the award was swamped with a commodity manufactured by “cheap labour,” and the business of those working under the award was crippled almost to extinction. Now, therefore, it is left to the discretion of the Court to extend the territorial limits of an award if there is reason to suppose that injustice will be committed by its being restricted within the original district’s boundaries. Other important sections deal with combinations of either workers or employers if they take proceedings with the intention to defeat an award. Employers are perfectly free to discharge their workmen if they wish to do so, or workers to leave off their labours; but it must be individual, not collective action, and any conspiracy or combination to defeat the provisions of an award is considered as a breach of the award. Nor may an employer, even as an individual, discharge a man or woman because such person belongs to an industrial union or is entitled to the benefit of an award. He may discharge them for laziness, incompetence, drunkenness, &c., or even without reason given, but not for unionism or to defeat the law. Inspectors of Awards are provided for by the Act appointing Inspectors of Factories and Inspectors of Mines to that duty. It was a much-needed amendment, as there was often on the part of a unionist official a dislike to litigate against employers lest the names of marked men should be “black-listed.” It is the proper duty of a Government official (who is theoretically above fear or favour) to carry out the awards of the Court and institute proceedings against defaulters. So far is this the case that it is advisable to prevent unions or private individuals taking (as at present) proceedings in any such matters; there should be no possible profit to be obtained or loss encountered by private individuals through breaches of the law being committed by others. There may be, however, reasons for prosecuting an inquiry known to the union but not known to the Department of Labour. I therefore recommend that the union shall be competent to lay an information and conduct a case before the Arbitration Court only when the Inspector of Awards has declined to do so.

Many resolutions passed by societies and suggestions of private individuals have been sent to the Department of Labour in the direction of easing the work of the Arbitration Court by allowing Stipendiary Magistrates to adjudicate in minor cases of breach of award. There are continual complaints made as to the delays in hearing cases caused by the accumulation of work in the Arbitration Court. Not only does such delay allow the continuance of matters regarded as evils, but it seriously prejudices the position of the parties laying informations, as important witnesses leave their work and the district before the case is called on. If the jurisdiction of the Magistrate was limited to breaches not involving more than £50 of claim, this would probably greatly ease the work of the higher Court. The Arbitration Court could take all cases dealing with higher amounts than £50, and also settle appeals from the lower Court, but such appeals should be allowed by the Magistrate only on points of law, not of fact. Otherwise the business, by constant appeals, would be more prolonged even than at present, since the two Courts instead of one would be invoked, and the delay in the latter of these is the cause of such amendment being proposed. The appointment of another Judge of the Supreme Court would, by easing off the work of the Court of Appeal, sensibly assist the Arbitration Court.