

*Mr. Tanner* (to *Mr. Ballinger*): Did I understand you correctly to say that no claim whatever had been made on you for the deficient wage in the case which you mentioned till such time as you received notice of citation before the Arbitration Court?

*Mr. Ballinger*: None whatever. Not the slightest hint was given to me.

*Mr. Tanner*: Can you give us the date, please, *Mr. Ballinger*?

*Mr. Ballinger*: I do not know that I can from memory. It was at the last sitting of the Court here, was it not, *Mr. Field*?

*Mr. Field*: It would be from nine to twelve months ago. It occurred just about the time of the change of Judges.

*Mr. Ballinger*: *Mr. Scott* was sitting on the Bench in place of *Mr. Brown*. That is the best idea I can give of the time.

*Mr. Field*: It was one of the cases heard by the present Court.

*Mr. Tanner*: Was it before the last amendment of the Arbitration Act?

*Mr. Field*: The case was not heard before the last amendment, and I question whether the breach was committed before that.

*Mr. Tanner*: You have been speaking, *Mr. Field*, of the payment of the fine inflicted being made at the discretion of the Judge to the funds of the union or the Labour Department. Does that indicate that you are dissatisfied with and distrust the discretion which the Judge exercises?

*Mr. Field*: We think the principle is wrong.

*Mr. Tanner*: I am talking about the practice—never mind the principle for the moment.

*Mr. Field*: We believe the practice has been injurious, too. Experience has taught us that it has been injurious, and that is, as we believe, because it rests upon a false principle, the principle being that persons who are entitled to bring claims shall derive a profit out of the transaction.

*Mr. Tanner*: Your objection is that the Judge does not exercise ordinary discretion?

*Mr. Field*: We have noted an improvement in that respect recently, but we want to have the onus removed from the Judge.

*Mr. Tanner*: But you must distrust his discretion before you wish to remove from him the function of stipulating where the money shall go.

*Mr. Field*: I have given two reasons. In the first place we believe the principle to be unsound, and in the second place we believe the administration in experience to have been unsatisfactory.

*Mr. Luke*: If it will be information to the Committee, I might say that in our case we had no notice of any breach until we were cited to appear before the Court.

*The Chairman*: There is only one question I wish to ask you, *Mr. Field*. I notice that none of you have touched upon the subject of appeal.

*Mr. Field*: If our main contention be upheld that these cases should not be determined by a Magistrate, but by the Arbitration Court only, then, of course, there is no reason for our dealing with the appeal question; but if the provision be retained and the question of appeal be considered, we would ask that the appeal shall cover the facts as well as the law. The provision for appeal is only on the point of law. Well, in these matters of alleged breaches the facts are of very considerable importance, and we want the right of appeal on the whole case if there be any hearing at all before a Magistrate.

*The Chairman*: If that were granted would it lighten the work of the Arbitration Court?

*Mr. Field*: I am afraid not. I am afraid the probabilities are that it would not secure that end. But we want to lay the strongest possible emphasis on the protest that the Stipendiary Magistrate's Court, with all due deference to it, is not a proper authority to administer and enforce measures of this kind. It is not seised of the facts: it is not acquainted with the position which led to the issue of the award; and there are nice balances and adjustments required in respect of these industrial problems, and the Magistrate is not capable of always dealing with them satisfactorily.

*The Chairman*: Your strong point, then, is that the Arbitration Court, in consequence of its experience, practically becomes expert in labour difficulties?

*Mr. Field*: That is the position.

*The Chairman*: And is better able to carry out the whole of the functions than a Magistrate possibly could be?

*Mr. Field*: That is so. It is seised of the facts, not alone in regard to a particular dispute or a particular district, but in regard to industrial problems generally. It is familiar with the administration of other awards operating in other districts as well as the one under consideration.

FRIDAY, 22ND JULY, 1904.

A deputation representing labour bodies in attendance.

*The Chairman*: As you know, gentlemen, the Labour Bills Committee is taking evidence in connection with the Industrial Conciliation and Arbitration Amendment Bill, and we understand that you represent different organizations. I presume that *Mr. Newton*, of Christchurch, is here with the Wellington Trades and Labour Council representatives.

*Mr. Newton*: Not exactly, *Mr. Chairman*. I came here to represent the Canterbury Trades Council.

*The Chairman*: Then, perhaps, it would be well if *Mr. Newton* gave his evidence first, so as to be sure of getting away again.