

lines to any great extent. As to what is going to be done with the incompetents if they are prevented from going to a trade, my consideration is, what is going to become of the men who have spent years in making themselves efficient, and who have been put to the expense of getting a large kit of tools in order to do good work? What is to become of them if they have to go outside the trade, and incompetents and amateur tradesmen are allowed to fill their places? That, I think, should be the main consideration of the Legislature in making amendments to the Act. I think that is practically the whole of the ground which we were sent here to give evidence on.

ANDREW COLLINS examined. (No. 7.)

17. *The Chairman.*] What are you?—I am a baker by trade. I am a member of the Wellington Trades Council, Secretary to the Bakers' Union, and also to the Timber-workers' Union. I might state that I entirely concur in the statements made by Mr. Young, our President, relating to the time it takes to get a case of breach of award heard before the Court. There are two cases connected with timber-workers which were filed last February twelve months. When those two cases come before the Court, if they ever do, it will be a matter of impossibility to prove them. We look upon it that in those two cases the employers have made a very nice thing from a monetary point of view by committing those breaches, and we have no possible hope of getting back on them. There is one matter I wish to bring before the Committee, and it is this: I hope they will recommend to the House that in making these amendments to the Act they should be clear and distinct, so that there should be only one construction put on them—the construction which is intended by the Legislature. My reason for saying that is, that ever since the Act has been in force—since 1894—it has been the custom that where a union in citing employers to appear before the Conciliation Board or the Arbitration Court, as the case may be, had missed out one or two employers, it could take steps to attach them by giving them certain notice. It seems to me, gentlemen, that different Judges of the Arbitration Court put different constructions on the clauses in this Act, and they cause the unions, and also the employers, a lot of bother and expense. Judge Chapman, in Auckland, lately stated that he thought (and that practically means that it is his ruling, from which there is no appeal, nor do we wish there should be) it was not the intention of the Legislature that the union should have power to attach an employer and bring him before the Court. He has distinctly laid it down that the unions have practically to start *de novo* in such a case—that is to say, that the union has to take a ballot, file a case before the Conciliation Board, and then send it on to the Court if it feels inclined. That looks very simple on the face of it, but what does it mean to the union? Take, for instance, two unions that I am connected with: The secretary omits perhaps some gentleman, say, in Martinborough, who was in business prior to the award being made. The union wishes to attach him. Now we have to start *de novo* for that one gentleman, and go to a lot of expense to bring him into line with the other employers. A week or two afterwards we find that there is another employer at, say, Feilding, who is not under the award, and we have to go over all the same ground again, and put up with the expense and trouble and annoyance. And, too, it is very unfair from the employers' point of view, for this reason, that that gentleman is practically competing with the other employers and is not paying the men the wages laid down in the award, nor is he recognising the hours and other conditions. It means that he is unfairly competing with the employers who are bound by law to conform with that particular award until he is subsequently joined to the award. The union thinks that the time has come when something definite should be done relating to these matters. Judge Chapman might, from some cause or other, leave the presidency of the Arbitration Court, and we might get another Judge who would put a totally different construction on the law altogether. We had carried on under the Act since 1894 until the time Judge Chapman gave that decision in Auckland. I do not know that I have anything else to add, but what I should like to see would be these Acts made more clear and distinct, so that any one holding a judicial position and having to administer the Act should not put his own construction on it, so as to cause trouble to the unions and the employers, as this particular decision has done.

ROBERT C. DENEW examined. (No. 8.)

18. *The Chairman.*] What are you?—I am a painter by trade. I am Vice-President of the Trades Council and a member of the Painters' Union, Wellington.

19. The deputation really is the executive of the Trades and Labour Council of New Zealand?—The Wellington Council is this year the Executive Council of the Trades and Labour Councils of the colony.

20. We shall be glad to hear what you have to say?—The point which we specially wish to impress upon the Committee is in connection with breaches of award. It is the necessity for a much more efficient and prompt hearing of the cases which are before the Court at the present time. We feel that if the Act is to be anything like a workable Act and to give satisfaction to all parties it is absolutely necessary that some more efficient and prompt method be devised to have these disputes settled for the satisfaction of all concerned and in the interests of the peaceful carrying-on of all kinds of industry. While these cases are unsettled a great amount of doubt exists on both sides, and both sides are perhaps put to inconvenience and loss through the delays which occur at the present time in the hearing of cases of breach of award. The labour bodies, I think, unanimously approve of the main principle of this amending Bill—that Magistrates should have power to hear cases of breach of award—for the reasons which have already been stated by Mr. Young. The main reason so far as we are concerned is the difficulty of having our witnesses handy if there is any long delay before the case comes on. As the Committee will understand, the locality in which they may be working is very uncertain. They may be here to-day and gone to-morrow. There are no means at present devised of having their evidence on record so that it may be available to the Court or the Magistrate, as is suggested here, at the time