

that something serious is going to crop up, and that the Act so far as it applies to the seafaring community is going to be inoperative. Although we have had awards now dating from 1896, this is the first instance on record in which this matter has cropped up, and I feel quite certain from what has already transpired and from correspondence which I have received that it is not going to be the last. It means that the Arbitration Court, so far as its operation and powers regarding seamen are concerned, is going to be completely upset. We would suggest that paragraph (c) of section 86 be amended to read: "The industrial district to which the award relates, being in the case of an industrial union the industrial district in which the proceedings were commenced, and in the case of an industrial association each and every industrial district represented by the association." That would cover it completely, and it would not in any way be overstepping the idea of the Legislature so far as the present Act is concerned. It would only make the matter more clear. Then an industrial association would have all the powers that the Legislature originally intended to confer on it. If that is not done, it simply means that the term "industrial association" is practically a dead-letter and a misnomer. Of course, the case in question has to come on yet, and if this interpretation is to be upheld we mean to test it further. It will go to the Supreme Court, no doubt. At the same time, I consider that the Committee would be doing well if they did not wait for these Supreme Court matters to crop up, but made provision for meeting this sort of contingency before any further harm is done. I think that is about all I have to say, Mr. Chairman and gentlemen.

24. *Mr. Laurenson.*] I would like to ask Mr. Jones a question. He said, I understood, that there was a probability of the Huddart-Parker Company paying their employees lower wages than were customary on the coasts of New Zealand. Is that so?—Yes.

25. I cannot lay my hands on it at the moment, but I know there is an Act in force which compels any vessel trading on the coast of New Zealand to pay the current rate of wages?—That is provided in the 1896 Shipping Act.

26. Then, are not the wages all over New Zealand the same?—No; not in the providoring department. The onus of taking action for recovery of current rate is thrown on the individual members of the crew. If the Marine Department were to enforce the Act instead of throwing the onus on the individual members of the crew it would be all right; but if a man wishes to obtain the current rate of wages he has to sue in the Magistrate's Court in the ordinary way.

27. In Lyttelton—I am speaking now only of what I know locally—they make the captain sign a declaration to the effect that he is paying his men—and it has to be indorsed on the articles that he is to pay them—the current rate of wages, which are stated there, while his vessel is on the coast of New Zealand, and when the men are discharged, say, in London, he has to pay the men the wages they signed on for, *plus* the extra amount they ought to have got while trading on the coast of New Zealand?—I believe that has been so; but we have had cases where individual members of the crew have had to sue.

28. If we amended the Shipping Act so as to compel any vessel trading on the coast of New Zealand to pay current wages, would not that meet your objection?—Yes; it would in that respect. I think the Coastwise Trade Bill fully provides for that now. If a vessel takes cargo up at one port in New Zealand and carries it to another port on the coast she is trading. I believe that is the definition of "trading" laid down in law. If a vessel brings original cargo from any foreign port, or even from Australia, to New Zealand, discharges it at, say, Wellington, and goes to Kaipara to take in a load of timber, and then goes back to Australia or a foreign country, that is not trading; but if she takes in cargo at, say, Auckland and carries it to Wellington and discharges it there, that is trading. It is only under those circumstances that the law would apply. But in Huddart-Parker's case the company are trading on the coast continually, although the plea set up by them was that they are visitors to New Zealand. The visit is a continuous one. They trade side by side with the Union Company. Their steamers' first port of call is Auckland; then they call at Gisborne, Napier, Wellington, Lyttelton, Dunedin, and then go on to the Bluff and to Melbourne. They have also a direct Sydney steamer, precisely the same as the Union Company. I might say they are paying the sailors and firemen the same rate of wages, but the cooks and stewards are not receiving the New Zealand rate. The point I have mentioned is the one which was raised by them recently before the Judge of the Arbitration Court, and, so far as I can learn, the matter will go to the Supreme Court. We are now suing Huddart-Parker for a breach of award. We are about to file an enforcement case against them for breach of award for not paying the proper wages. I believe that in the event of the Judge of the Arbitration Court ruling that they are bound by the award, they are still going to refuse to pay, which means that the Court's jurisdiction will be questioned in the Supreme Court by their applying—as I believe they will—for a writ of prohibition to prohibit the Arbitration Court exercising its functions on the Huddart-Parker Company, on the ground that their vessels are not registered in New Zealand. But they are traders here all the same. If my suggestion with regard to industrial districts was considered by the Committee, and provision made as I have suggested, it would to a very large extent cover this trouble which is now cropping up.

WILLIAM THOMAS YOUNG re-examined.

29. *Mr. Laurenson.*] I want to ask Mr. Young a question. Why are you so anxious, Mr. Young, that cases should be decided by the Magistrate and that there should be no appeal from his decisions? Briefly put, what is the chief reason?—In the first place, the matter of expense; and if you allow appeals in one instance, there is really no telling where the thing is going to end.

30. Summed up, the only thing that makes you anxious for the Magistrates to be given power to deal with cases and provision made that there shall be no appeal from their decisions is the saving of expense?—Not only the saving of expense; there is the matter of inconvenience. Supposing an appeal is allowed from the Magistrate's decision to the Court; by the time you get a hearing before the Court your witnesses might be in another part of the world. We are thoroughly satisfied to accept the Magistrate's decision as final.