

54. If that register was then made the register for the particular industry so far as the employer was concerned, and he could employ anybody who was registered with the Inspector of Factories so long as he paid the wages fixed by the Arbitration Court, would that not get rid of the everlasting friction as between unionists and non-unionists?—I do not see that it would. It might help, but it would not get rid of the friction, because their aims are different. The unionist wishes to advance his trade all along the line; the other man only cares for himself.

55. The unionist has to carry the non-unionist, has he not?—Yes.

56. Is it not better for the State to know the exact number engaged in each industry by registration than to have an unknown number embarrassing the Arbitration Court?—I agree thoroughly with one of your statements—that it would be of exceeding advantage to have these men registered; but the other—that it would do away with the friction as between unionists and non-unionists—I do not believe.

57. *Mr. Aitken.*] Still it would go in that direction?—Yes.

58. *Mr. Taylor.*] Could not the Arbitration Court have such a register kept and make its awards apply to the whole of the workers shown on the register kept by the Inspector of Factories?—Yes.

59. I take it that our legislation does not openly declare that it is framed with a view to collecting funds for unions, and as the unions must have funds to pay for their appeals to the Court on various questions, would it not be possible to force every man registering as I suggest to pay an annual registration fee of, say, a shilling or half a crown, and let that go to the funds of the union representing the industry in which he is engaged?—These are new questions, and I do not like to give any decided opinion on them until I have given them some more thought. They are worth thinking over, but my opinion would be worth nothing if given straight away.

60. With regard to the last clause of the proposed addition, the clause dealing with “suspension,” did the representatives of the Trades and Labour Council have a copy of these proposed alterations?—No.

61. Their evidence has not been taken on them?—No.

62. Did you not realise in connection with the last clause that if you prevent a man from suspending his workmen it is exactly the same thing as preventing him from closing down his business?—Oh, no; excuse me!

63. If he cannot suspend his workmen he cannot close down his business?—In the Auckland case I think some of the men were suspended and the others continued working.

64. Supposing they had suspended all the men and shut their doors, what then?—The business would have been closed. But they did not.

65. If you say that a man shall not suspend his men, is not that equal to saying that a man must carry on his business, although a decision of the Court may have rendered it impossible for him to do so?—This was not my suggestion. It was one of the suggestions that were made by the Court. I see there is the danger that Mr. Taylor points out, but I did not see it before.

66. Will you reconsider this matter?—I will.

67. *Mr. Bolland.*] Do you approve, Mr. Tregear, of the unions receiving fines for breaches of award?—No, I do not think it is right.

68. Supposing the fines went into the Consolidated Fund, do you not think it would have a considerable effect on the number of cases of breach of award?—We have found the number of such cases to increase because there are now officers to lay the informations who do not care whether they offend a defaulter or not. The unions, on the other hand, missed a very great number of cases because many of their men were very chary about exposing themselves by acting either as prosecutors or as witnesses in cases of breach. They would rather put up with the lower wage or anything of that sort than be marked men and be on the black-list of the employers. So that we find that really the increase in the number of cases of breach is because our officers are conducting the cases. It was not a fair position in which to place a union to ask it to move in such a matter, because a union's members are all working-men, and they expose themselves to dismissal or to being placed in the bad books of the employers by bringing such cases at all.

69. You do not think, then, that the effect of the fines going into the general revenue would reduce the number of cases?—As the matter stands, practically I do not, because one is balanced by the other—there will be more cases for fining with the Government officers laying the informations.

70. *Mr. Tanner.*] You are aware, Mr. Tregear, that by section 91 of the principal Act the Court alone decides what constitutes a breach of award?—Yes.

71. And that the maximum penalty for a breach of award is £500?—Yes.

72. If the proposal in the Bill before us was carried out—giving Magistrates jurisdiction up to £50—what proportion of the cases would fall into the hands of the Stipendiary Magistrates?—I should think nine out of ten.

73. But you have told us that the bulk of the cases last year—five-sixths of them—were cases of breach of award: 123 cases of breach as against twenty-five disputes?—That is so.

74. As a penalty of £500 is provided in the Act, would not all these cases of breach of award have to go before the Court?—That is the maximum penalty.

75. The word “maximum” is used in this Bill and in the principal Act also. Under section 91 of the original Act the Court has power to inflict a maximum penalty of £500?—Yes.

76. That being so, how many of these cases of breach could possibly go before the Stipendiary Magistrate?—Clause 2 of the Bill says that cases shall go before a Magistrate where the maximum penalty for the breach does not exceed £50.

*Mr. Jolliffe:* May I answer that, sir? Clause 91 says that the Court may fix what sum shall be the maximum penalty for any breach—not in a specific case before it. It is laid down by the Court that for a certain breach the maximum penalty shall be so much, but it must not be more than £500. In practice they say that for a certain breach the penalty shall be, say, £50 or £100.