

77. *Mr. Tanner.*] Is not that decision given on the Court hearing the case?

*Mr. Jolliffe:* No, either in the award or before the hearing of any specific breach.

78. *Mr. Tanner.*] I want to be very clear on this point. It seems to me as an ordinary layman, on reading clause 91 of the principal Act, that the Court has power to inflict a maximum penalty of £500 for a breach of award, and the Court alone can decide what is a breach of award.

*Mr. Jolliffe:* That is not under clause 91. The clause reads, "The Court in its award . . . may fix and determine . . . what sum not exceeding £500 shall be the maximum penalty." That is a similar clause to what is contained in every Act—"The Governor in Council may by Order in Council make regulations fixing the penalty for breach of any provisions of the Act provided it does not exceed" so much.

79. *Mr. Tanner.*] Then the effect of this Bill would be that there must be an award made in every case, and that the Court must in that award specify what penalty should be inflicted for a particular breach of the award?

*Mr. Jolliffe:* Or by order subsequently. It must do it at one time or the other.

80. *Mr. Tanner.*] It would all depend on the previous decision of the Arbitration Court as to whether a case should go before a Stipendiary Magistrate, would it not?

*Mr. Jolliffe:* It would depend on the maximum penalty fixed by the Court—the general maximum, not a specific penalty for that one breach. The penalty ruling for that class of breach is fixed by the Court in advance, and if that maximum does not exceed £50, then all the cases under that would go before the Magistrate.

81. *Mr. Tanner.*] Then the members of a union in bringing a case before a Magistrate would have to depend entirely on the wording of a previous award?

*Mr. Jolliffe:* The previous award or order of the Court.

82. *Mr. Tanner.*] The order would be attached to the award?

*Mr. Jolliffe:* It would form part of it.

83. *Mr. Tanner.*] So that the members of a union would have to be guided by matters which are not before the public in the Act?

*Mr. Jolliffe:* They would be in the award.

84. *Mr. Tanner.*] They would have to be guided by the award and the previous decision of the Court by order.

*Mr. Jolliffe:* That is so.

85. *Mr. Tanner.*] I was endeavouring to show—but my mind is quite open—that clause 2 of the Bill before us will not fulfil the intended purpose; but I can see from what you say that it will have some effect in that direction.

*Mr. Jolliffe:* It will have the effect I had in my mind when I drafted it.

86. *Mr. Tanner (to Mr. Tregear).*] With regard to the question of the congestion of Arbitration Court business at the present time, Mr. Tregear, here are my notes of last week—"Evidence of W. T. Young, of Wellington Trades and Labour Council and Seamen's Union: The Court is at the present time congested. The President should confine himself to arbitration business. There are now from four hundred to five hundred cases waiting. The Court should clear up business in any town before leaving." Do you mean to say that those statements are incorrect?—Some of them. It is not incorrect to say that the Court is congested, but it is incorrect to say that there are four hundred or five hundred cases waiting to be dealt with. I do not understand how Mr. Young could get information on such a point unless he wrote to the Clerks of Awards throughout the country. He has been misinformed. As to the other point, that the Court should clear up business in any town before leaving that town, the Court says it is not possible to do such a thing, because in many cases it has to leave a case without giving an award because it has to hear what other persons in another town have to say on the same subject. As to the Supreme Court business, I have explained to you the very great difficulty—either the President has to be a Supreme Court Judge or he has not. If he is a Judge of the Supreme Court he is under the Chief Justice and not under the Government.

87. You would not favour setting up a class of inferior Judges?—Decidedly not, because there being no appeal from their decisions we must have the very best class of men that we can get as Presidents.

88. *Mr. Hardy.*] I think I understood you to say that the Government does not urge the passing of the Bill, but rather desires to ascertain the feeling of Parliament as a direction?—Yes. I wish you would not press that too much. I made that statement, but I qualified it afterwards by saying that the Bill being introduced is a proof that the Government desire it.

89. You partly qualified it again, I think, by saying that the Government were exceedingly anxious to relieve the pressure in the Court?—Yes.

90. How is it, then, that you say the Bill is a Government Bill?—It is a Government Bill.

91. And yet the Government are not anxious to pass it?—They are anxious to relieve the congestion in the Court, but if you or any other member of the Committee can suggest another way of doing so, I do not think the Government will be found to be wedded to the principle contained in the Bill.

92. You say you are favourable to awards at sea?—Did I put it in that way? You mean a colonial award in the seamen's case?

93. Are you in favour of the principle of colonial awards being made general?—There are very many points to be considered. It is a very knotty question. It is very easy to answer wrongly.

94. The reason why I am asking the question is that some young ladies in Christchurch asked me to bring this matter before the Labour Bills Committee, and I ask the question of you, as the head of the Department, because they are anxious that effect should be given to their wishes in the matter. Are you in favour of this principle being made general?—That awards should be made colonial? I think I must decline to answer that. The Act has been worked hitherto on the basis of industrial disputes in each district. Except concerning seamen, who in the course of a month wander about from one district to another, I should not like to express an opinion, as it is a matter of policy.