

A tobacconist in Wellington, who had refused to close in accordance with a gazetted requisition, defended on the ground of informality in requisition. Case dismissed. (*Labour Journal*, 1906, p. 216.)

INDUSTRIAL CONCILIATION AND ARBITRATION ACTS.

This, the most important of the labour laws, has been much before the public during the past year, and some very important awards have been under consideration. The Act of last session provided machinery sections of great technical value, and decided disputed positions (or strengthened positions of inherent weakness) in a way promising immense future advantage. Many important suggestions have been made by Councils and other bodies representing labour. Of these the chief and that most generally adopted has been "preference for unionists." A strong desire exists for more prompt hearing of cases and delivery of awards, but difficulties appear to lie in the way which appear almost insurmountable.

Among the cases for the year occur some notable and interesting decisions. On the 21st December, 1905, the award was given in dispute between the New Zealand Federated Tailoresses and the employers. The decision covered the industrial districts of Wellington, Canterbury, Otago, and Southland. The effect of the award was to supersede the old intricate piecework log, and put the tailoresses on a weekly wage. Generally, satisfaction was expressed, but the action of some employers in Dunedin in refusing to pay the minimum wage to some of their hands wrought considerable trouble. The manufacturers contended that the rejected girls had never earned the £1 5s. of the minimum wage even as "full-time earnings," and insisted that advantage should be taken of the under-rate clause. The union and the tailoresses themselves were strongly against this course, considering that it implied industrial inferiority. Both sides continued firm for a long time, but gradually the girls obtained employment in other establishments or other towns, and the matter died away. The union claimed that the affair had been a lock-out, but the Department was legally advised that there was no infringement of the Act, and action was not taken. In a case brought before the Court later on, in which it was desired to extend the award to include Auckland, it was stated by the representative of the Dunedin tailoresses that the award had advanced wages in that district.

The judgment given in the dispute between the Dunedin branch of the Australasian Federated Seamen's Union and certain steamboat companies on the 14th February, 1906, followed by the decision in regard to the Auckland branch of the same union (23rd March), caused much dissatisfaction among mariners. The main grievance was a refusal on the part of the Court to grant an advance of 10s. each man per month for those on sea-going vessels. This advance has been asked and refused ever since a reduction of that amount was made in September, 1893, and the advocates of the union stated that the evidence brought forward by them in regard to the prosperity of the Union Steamship Company showed that the company was doing so well that the wages might properly be restored to the rates existing before the reduction took place. The President of the Court dissented, explaining that he did not settle wages on a profit-sharing basis, as that might in many industries involve fixing a differential rate between employers. The sailors took the view that if they did not get an increase during days of prosperity, but only suffered reductions in hard times, the position was unfair. The Auckland award intensified feeling in the matter. The seamen urged that the award lowered the wages considerably on vessels within Auckland river limits, and generally both reduced privileges and shortened earnings. However, the award is practically accepted, if not acceptable, and the workers show their good sense by going on with their business quietly and steadily, as many employers have had to do under similarly unwelcome judgments.

An important decision on a matter of detail was given on the 14th April, 1905, on an application made by the New Zealand Branch of the Australasian Federated Seamen v. the McGregor Steamship Company. Objection was taken by the respondent on the ground that the certificate filed under section 99 of the Act was faulty, the chief objection made being that the applicant body was not the party on whose application the award had been made, and was not to be recognised as a party to the award. The names were not absolutely identical. The point, however, which the Court dwelt upon as fundamental was whether a proper ballot had been taken, a confirmatory ballot of those in the room having been taken after the question had been put at a special meeting. The Court held that a subsequent ballot must be a ballot of the whole of the members, as, especially in the case of a scattered membership like that of a seamen's union, only by way of such a general confirmatory ballot could the intentions of the union as a whole be ascertained. The case was dismissed (*Labour Journal*, 1905, p. 533). Subsequently four cases were taken by the Inspector, resulting in penalties amounting to £65 and costs.

It might be pointed out here that proceedings, such as the taking of a ballot of the members of the union, are not necessary when the case is being conducted by an Inspector, who is legally empowered to take such cases as he thinks fit.

An information has been laid (but not yet heard) in regard to a reported lock-out on the part of the Consolidated Goldfields of New Zealand (Limited) Company at Reefton. The Mining Act, which gives eight hours from bank to bank as the limit of a miner's ordinary shift, apparently overrides an