

57. Do you consider that there should be a double penalty on the employer, that he should be fined for a breach of the law and then have to pay the full amount of back wages due to the employee?—I hold that if an employer has entered into an agreement to work under an award and breaks it he should be fined the full amount, but only three months of the back pay should go to the employee, while the balance should be put into the Public Account.

58. And how about the employee?—Also let him be fined. I should not like to see the employee get a penny. If they have both connived, both should suffer.

59. There have been cases in which there was no connivance, and the offence was committed in ignorance?—That should be left to the Court.

60. Do you, as a representative of labour, say that if during the term of an award any circumstances arise, either by the operation of an award or otherwise, by which a feeling of dissatisfaction is caused, a union is justified in striking?—There may be instances in which a strike is justified. We may strike in Greymouth, for instance, but if we do we have to pay the penalties.

61. First you say you are opposed to strikes and then you say you are in favour of the continuation of the Arbitration Act?—Yes.

62. And you consider that one of the chief purposes of the Act is to prevent strikes?—Yes.

63. You say there might be a strike in Greymouth to-morrow?—We are assuming that.

64. Would you justify in any way the members of a union striking while working under an award without making an appeal to the Court on the question which is the cause of dissatisfaction?—An award may not cover everything. In the case of victimisation, the Court does not define it well enough, and if you go to the Court you may not win, so that in order to emphasize the hardship you are working under you strike. I think the effect would be to bring the Court along quickly to settle the dispute, instead of it being held over for many months.

65. You would be in favour of any matter causing strong dissatisfaction being referred to the Court for settlement rather than that there should be a strike?—I should say that if it were a breach it should be referred to the Magistrate's Court at once, so as to obviate the trouble of waiting for the Court to come along. I gave you an instance where our men were at fever-heat over one of our workers, and they were quite willing to strike. I said, "Do not strike; we will take another course," and they obeyed my instructions. If he had been working for one of the shipping companies instead of the Railway Department I could not have prevented those men from striking. But I would take very good care before the strike took place to let the onus and responsibility lie on the employer before I allowed my men to lay down their tools.

66. It must be clear to you, as a representative of labour, that if the Arbitration Act is to continue, strikes must be prevented?—I quite agree with you there.

67. Now, to prevent them there must be a penalty imposed upon those who strike?—Yes.

68. Part I makes that provision, and yet you are strongly opposed to it. You speak very fairly upon all other questions: do you not think, as a conscientious labour representative, it is necessary, if the Act is to be maintained, that there should be a penalty to prevent unionists or members of the union striking while an award is in operation?—You have got that now. You fined a union the other day £75 for striking.

69. But the existing law is found to be ineffective?—Yes; what you want is to know how to collect the fines—you have the machinery to impose them.

70. The intention of the Bill is to make the penalty more effective, so that strikes will not be carried out, and members of unions cannot aid or abet the striker?—I do not see that you can make the law any severer than it is. Increasing the maximum fine would not make any difference.

71. You favour the continuation of Conciliation Boards as at present constituted?—Yes.

72. And are opposed to the provisions of the Bill in this respect?—Yes.

73. Do you consider the Conciliation Boards throughout the Dominion have been effective in settling disputes?—They have not had the opportunity. The employers, through section 60 of the Act, have simply referred the disputes to the Courts. You cannot judge of the results when the Boards have not been given an opportunity to show what they might have done.

74. But for many years all disputes had to be referred to the Boards before reference to the Court?—Yes.

75. Well, the Conciliation Boards were not successful then in settling disputes?—They were more successful then than now, and at that time our industrial laws were in embryo, and we were just getting away from the old system of strikes. Consequently the Boards were not looked upon too favourably by the employers of the day.

76. Is not the failure of the Conciliation Boards to settle disputes by conciliation chiefly due to the fact that invariably agitators are elected members of the Boards by the unions?—What do you mean by "agitators"?

77. I mean a man who creates a feeling of discontent amongst the workers and urges them to take a certain course of action whether it be right or wrong?—Are some of those men on the Conciliation Boards?

78. I am not here to be questioned: are you not aware that they are?—I do not know.

79. Take the Wellington Board: what has been your experience with regard to that?—I have had no experience with the Wellington Board. As far as our Board on the Coast is concerned, I do not think it has been called into existence for eight or nine years. It has practically been a defunct body since then, because the disputes have been referred to the Court. As far as we are concerned in the Greymouth district, one of the best awards obtained down there was one which was ratified by the Board. We discussed our agreement round the table. That was the first one. On the second occasion we went to the Board, which made a few minor alterations, and then we went to the Court, and did not do so well because the Court did not understand our case so well as the members of the Board, and if the employers had not had the power to send the matter to the Court we should have had a good award. We upheld our position with regard to wages.