

The following are the other cases settled by myself, without coming before the Council of Conciliation, up to the 31st March: The Otago and Southland Shearers and the Dunedin Canister-makers.

In my opinion, an alteration in the Act is badly wanted. In having an agreement made into an award it is now necessary for the Commissioner to state to the Court that no agreement has been arrived at between the parties, although an agreement has been arrived at. I think it would be far more satisfactory for all parties concerned if the Commissioner, after arranging an agreement satisfactory to both sides without recourse to assessors, could have agreements made into awards by the Court in a more simple manner than now exists.

I find that both employers and employees are taking very kindly to the 1908 Conciliation Act.

J. R. TRIGGS,

Conciliation Commissioner for the Canterbury
and Otago and Southland Districts.

The Secretary, Department of Labour, Wellington.

WELLINGTON.

REPORT ON THE CONCILIATION CLAUSES OF THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT (AS AMENDED LAST YEAR) TILL THE 31ST MARCH, 1909.

Conciliation Commissioner's Office, Wellington, 14th April, 1909.

During the time this method of arranging industrial differences between employers and employees has been in existence the Act has been called into operation on two occasions—(1) In respect to a dispute in connection with the Napier Drivers; (2) on account of a demand made by the Grocers' Assistants in Wellington for an increase in wages, restriction of hours, &c., in their particular calling. In both these matters satisfactory results were attained. In the first-mentioned case the proceedings were conducted through the medium of an Industrial Council, and an agreement on all disputed points arrived at. The second case was dealt with without the assistance of assessors; employers and employees agreed to meet in conference with myself as chairman. In this instance also the disputants succeeded in arriving at an amicable adjustment of their differences on all items, with the exception of one minor matter. This was afterwards arranged by the Court of Arbitration.

It will thus be seen that, although this method of arranging industrial disputes has only been in operation a very short time, yet the achieved result is exceedingly gratifying to all persons interested in these matters. The trend of opinion expressed by those who are most competent to judge is that, with the proper use of the machinery now at the disposal of employers and employees, industrial peace should be more readily obtained than has been the experience during the past few years. In order, however, that this laudable desire should be given full effect to, I would submit that a slight amendment should be made in the Act and regulations. The alteration, it may be said, is desired by those who are most affected by the operation of this species of legislation, and is approved of by His Honor Mr. Justice Sim, the present Judge of the Arbitration Court. In order that you may have a thorough appreciation of the position, it is necessary to point out that it is the unanimous desire of the employers' associations and workers' organizations throughout the Dominion that when once an industrial agreement has been arranged between contending parties it should receive from the Court of Arbitration the same effect and status as an industrial award. Experience of the past few months has shown that it is possible for a Conciliation Commissioner to bring about an amicable arrangement of difficulties between parties by three distinct processes—(1) By personal intervention; (2) by the assistance of the persons directly interested in the dispute; (3) by the appointment of assessors. Yet when an agreement has been arrived at by any of these methods it is impossible, under the existing conditions, to have that agreement embodied in or to have the effect of an award, and for the following reasons: (1) An agreement having been made, there exists no longer any dispute; (2) as no dispute is in existence, there is nothing to submit to the Court; (3) the Court has therefore no jurisdiction to interfere in the matter. (Section 67 of the Industrial Conciliation and Arbitration Amendment Act is not considered sufficient, as both employers and employees desire an award rather than an agreement, and that the award shall be delivered by the Court.) In order to overcome this anomaly, I would suggest that power should be vested in the Court of Arbitration to give any industrial agreement the full effect of an award, if such is considered necessary or desirable by the parties interested in the dispute.

If the Act can be amended in the direction indicated, it will tend to perfect a measure that will eventually, with careful administration, reflect credit on those who are responsible for placing it on the statute-book, and provide in a more pronounced manner a larger measure of industrial peace and security between employer and employee than has hitherto been the experience of those interested in industrial legislation in this Dominion.

P. HALLY,

Conciliation Commissioner for the Wellington, Marlborough,
Nelson, and Westland Districts.

The Secretary for Labour, Wellington.