

Prosecutions.—In confirmation of what has been said with regard to the excellent operation of the Act, we were compelled to prosecute only 4 occupiers during the year. Conviction was obtained in each case. There was no serious default, and any special comment is not necessary. There were 69 cases where settlement was effected without recourse to Court, the default being inadvertent. A sum of £43 15s. 3d. was recovered in the course of such settlement, and disbursed to the employees concerned.

The inspection of workrooms throughout the year has been systematic and complete, every workroom being visited, and the conditions under which employees are working being thoroughly investigated. Where improvements were necessary, immediate attention has been given to our requests for same. In one case, when the extension of the business had tended to make the existing premises rather overcrowded, representations were made, and new premises were immediately secured. This ready and willing acquiescence on the part of occupiers is very gratifying, and is a great aid to us in the administration of the Act. In the course of inspection of factories, attention is also given in respect to the observance of awards, &c., under the Industrial Conciliation and Arbitration Act, where they apply.

THE SHOPS AND OFFICES ACT.

The provisions of this Act have been so well observed that there has been very little difficulty in its administration. The weekly half-holiday is now a regular institution, and is recognised as such by the public; so much so that, if another half-holiday is observed in the week in lieu of the usual day, shopkeepers affirm that very little business is done on the Wednesday.

There is a very considerable amount of labour and time entailed in collecting annual returns of employees from shops. In the district returns for the year were received from 1,244 shops, employing 1,999 males and 855 females. This shows an increase on last year's returns.

"Requisitions" from the shopkeepers fixing their own closing-hours by a majority vote are not in favour here, only two trades having taken advantage of section 25. This is no doubt owing to the circumstance that business in the different localities is dissimilar.

Warrants to work overtime were granted during the year to 455 assistants, who worked a total of 6,192 hours. This shows an abnormal increase on the previous year, and is, I think, attributable to the preparation necessary for the large number of "sales" held, especially in drapers' shops.

Prosecutions have been very limited in number, there being only 2 cases, one in respect of a fishmonger, who sold rabbits and poultry, being open on a half-holiday. Conviction was obtained. The other was of a florist on the same count, who sold seeds, manure, &c. This was dismissed. "Florist" is not defined in the Act. "Fishmonger" is, and it was held that any goods which a florist usually sold must be classed as his stock-in-trade. This shows an anomaly existing between the two cases, as poultry and rabbits have always been sold by certain fishmongers, whose definition should therefore be extended to allow them to sell these and similar goods. In ten other instances it was sufficient to administer a caution.

Shopkeepers generally appear to give consideration to the welfare of their assistants, as not a single complaint to the contrary has been made to us.

In respect of the offices outside shops, there are so many exemptions that few indeed are left for us to supervise. In respect of these, there has been no apparent default of the Act.

THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT.

Whilst the work entailed in our administration of this Act has in no way diminished, there has been a marked decrease in the number of prosecutions necessary for non-compliance with awards and agreements. The apathy so long shown by many employers has now to a great extent disappeared, and there is a recognition and observance by employers generally of their responsibilities under the awards. The agreement of parties now so generally secured by the Conciliation Council system has, in a very large measure, tended to lessen breaches, as employers naturally comply more readily with what is virtually their bond.

In respect of the recovery of penalties by officers of the Department, I desire to call your attention again to the lack of facilities that we have for this purpose. I submit that while leaving process in the Civil Court, the recovery of the penalties should be made direct by the bailiff of the Court and his officers, who have all the facilities for recovery. It comes within the nature of their ordinary duties, and is entirely foreign to ours.

The power given in section 21 of the amendment to an Inspector of Awards to recover penalty for breach of award in the Arbitration Court direct has sometimes been disallowed by that Court. I had always been of the opinion that where an Inspector considered a case of sufficient importance he could take it straight to the Arbitration Court. We have now a case which, entirely on account of its trade technicalities, has already taken up five full days in the Stipendiary Magistrate's Court (and is not yet determined); I am certain that this case would have been speedily settled by the Arbitration Court, because it has its assessors appointed to overcome trade difficulties, and, moreover, it has a knowledge of the terms of the original dispute which is often so material to a settlement. Ordinary legal points can, of course, be left to a Magistrate to determine, with the usual provision for appeal, where necessary; but trade technicalities and trade custom, and their bearing on the award can, I think, be properly determined only by the Court of Arbitration.

Very many instances occur of wrongful deductions from the wages of apprentices. Employers who are occupiers of factories chiefly err in confusing the provisions of the Factories Act with their responsibilities under the award, in that they think only apprentices under eighteen years have to be paid for holidays, and then only for the statutory holidays mentioned in section 35 of the Factories Act. Alleged overtime worked is often a cause of complaint. Although the overtime-book may have been