

unionists by each union in all industrial districts; but this does not overcome the legal aspect, because a member, say, of the Wellington Union could not successfully be prosecuted for a breach of award or agreement filed in the Northern District, seeing that existing law regards him as a non-unionist in that district; it merely regards him as a unionist in the district only in which his union is registered. It would be a peculiar position if all the Wellington Union members sailed out of Auckland and all the Auckland and Dunedin members out of Wellington. In such case not one of them could successfully be prosecuted for a breach of award or agreement, as they would not be unionists within the meaning of the Act. It is true that the three industrial unions have formed themselves into an industrial association under the law, but the union is the member of such an association, and not the individual member of the union. The association possesses certain legal power to enforce matters on the component industrial union if its registered rules give it such power, but it has no legal right to enforce anything on the individual membership of the industrial union, and any rule empowering it to do so is necessarily void and will not stand the test of litigation. In the shipping industry differentiation in local conditions have not and do not prevail, for the reason that the industry is a floating one; and for the same reason the differentiation in the cost of living has not and does not enter the argument, the men being provided by the employer with board and residence on board ship, although any national average increase in the cost of living must necessarily be taken into account in determining conditions of employment. Thus in this respect seamen are also very largely different from a union of shore workers, where local conditions are put forward irrespective of anything operating elsewhere. Another aspect is the question of ballots. It is a fairly easy matter for the Registrar to locate the address of a member of a shore union to take a ballot under the Act, but such is not so with the members of a seamen's union, who are scattered in all parts; and the opinion is ventured that he could not possibly take a ballot of seamen without the full co-operation of the officials of the union. All ballots in the seamen's organization are taken by the national body, and, owing to the nature of the occupation, are generally spread over a period of two and a half or three months in order to get the full expression of opinion; and in no instance does a registered industrial union of seamen take a ballot, although it has the legal right to do so, but on moral ground has foregone the right in favour of the association of seamen. In regard to the question of rules, the seamen are working under four codes duly registered—one for Dunedin, one Wellington, one Auckland, and a code for the association. It is true that the local rules are uniform, but that is merely a moral understanding, the legal position being that an industrial union has the right to make rules for itself without interference by an association or other union. The Registrar has been kind to us in this respect and has done a good deal to give us rules on national lines, recognizing, no doubt, our difficulties in controlling and generally handling a floating membership; but while that is so the opinion is ventured with all diffidence that these registered rules will not stand the legal test. They are excellent to some extent so long as they can be administered through the channel of moral suasion, but when it comes to a legal test in Court they are worse than valueless, and a danger, because they are legally misleading, this being demonstrated in the Full Court on the 28th July, in *McGregor v. Seamen's Union*. By virtue of the nature of their occupation the seamen require for their good and proper government as an organization of men one plain understandable code of rules that will stand the test of legal enactment, and this, in our mind, can be attained only through the proposal that will be put before the Committee. From 1895 to 1908 wages and general working-conditions of seamen were determined by award of the industrial Arbitration Court. During that period there were the three registered industrial unions of seamen and their industrial association the same as now, but although each dispute was national in ramification the taking of evidence was localized, and to comply with the law the award was separately delivered and filed with the Clerk of Awards in each of the industrial districts where a union of seamen was registered, but the terms and conditions of each such award were identical. These awards had legal operation only in the districts in which they were filed. Would it not have been cheaper, easier, and better had the Court made one award for the whole Dominion? Under the law the Court has power to make a Dominion award, but such is legally operative only in those districts where an industrial union of the industry is registered, thereby valueless to seamen in those districts where a seamen's union is not registered. The law permits of two industrial unions forming an industrial association, but such an association possesses power only similar to that of an industrial union, the ramifications of which are confined to within the district in which it is registered, thus limiting an association to operation in only each district in which a component union is registered. Since 1908 the wages and general working-conditions of seamen have been determined as the result of conference between the parties, such being either converted into an award by the Court or filed as an industrial agreement. In these conferences representatives of both sides of the shipping industry from all parts of the Dominion have assembled in Wellington, and the dispute has been discussed and settled in a friendly negotiation. If that can be accomplished by the interested parties through the moral channel it is equally possible for it to be reached through the legal avenue by an amendment of the law to permit of the Industrial Court hearing and determining a dispute in the shipping industry at the one centre, there taking all the requisite evidence in relation thereto. Past agreements and the current one have been and are regarded by the parties in the national light—that is to say, that the parties regard it as operating throughout New Zealand, and not merely in the districts in which a union is registered. To give it more weight from the national standpoint the industrial agreement is incorporated in and made part of the articles of agreement of ships entered into under the Shipping and Seamen Act, a clause to that effect being specifically in the industrial agreement. The parties being able to accomplish these things through the moral channel, there would seem to be no substantial reason why the law should not permit of a national agreement relating to seamen operating throughout New Zealand. It is suggested by seamen—and I do not think there will be much objection, if any, by shipowners—

- (1) That the law be amended to permit of members of the present registered seamen's unions forming and registering one union of seamen for the whole of New Zealand, to be governed and controlled by one code of registered rules;
- (2) that the law be further amended so that any award or industrial agreement in the shipping industry shall be operative and enforceable in all parts of New Zealand.

With that object, and with the universal endorsement of seamen, I beg to tender the Committee this Bill for the necessary amendment of the law, which is a slight modification of the Bill forwarded to the Hon. the Minister some few weeks ago:—