

of preventing the Magistrate dismissing the charge if the breach is found to be trivial or excusable. Section 16 of the Amendment Act of 1908 reads as follows: "In any such action the Magistrate may give judgment for the total amount claimed, or any greater or less amount as he thinks fit (not exceeding in respect of any one breach the maximum penalty hereinbefore prescribed), or, if he is of opinion that the breach proved against the defendant is trivial or excusable, the action may be dismissed, and in any case he may give such judgment as to costs as he thinks fit." The words proposed to be struck out are "or, if he is of opinion that the breach proved against the defendant is trivial or excusable, the action may be dismissed, and in any case he may give such judgment as to costs as he thinks fit." There can be only one reason for asking for an amendment of this sort, and that is so that unions may have an opportunity for persecuting employers in the same manner as used to take place before this section was put in. There is only one reason for it. There should be no reasonable objection to giving the Magistrate power to dismiss a charge which is trivial or excusable, and there should be no reasonable objection to the Court having power to grant costs. Previous to this amendment employers were persecuted by actions being brought by labour unions from one end of the Dominion to the other. The labour unions could bring these actions practically without cost and without any responsibility; and the result was that the Courts were swamped with actions for breaches of agreements and breaches of awards, and the employers all over New Zealand were put into a position of having to defend these actions. The whole matter was very fully threshed out at the time. The Hon. J. A. Millar was then Minister of Labour, and as a result of the evidence which was available at that time this provision was put in the Act. We cannot understand any other reason for wishing this section amended than the one I have put forward, and I say confidently that that is the reason. The result of this section has been that hundreds of pounds, perhaps thousands, have been saved to the employers. Hundreds of cases were taken by the labour unions after the officials of the Labour Department had inquired into them, and they were dismissed; and the employers were put to the expense of defending the actions, and they could not secure costs against the parties bringing the charges. The employers were put to the expense of engaging counsel and that sort of thing, besides the waste of time. Surely it is a fair thing to ask that employers should be protected against persecution of this sort, because it is nothing else. Since this section was passed fewer cases have been brought by trades-unions, and they have a sense of responsibility in connection with those they do take, because they know that even if there may be a technical breach—even with the greatest care possible an employer may commit a technical breach in connection with matters which may not be under his control—if the breach is trivial or excusable the case will be dismissed and costs may be given against them. An employer should not be punished for that sort of thing. Since this section was put in—that is to say, since the Court has had power to grant costs against the other party—the number of cases have been very much less; and I do not think anybody can say that in this country, so far as the employers are concerned, the Act is not carried out by the Labour Department impartially. The next clause in the Bill is clause 5, which reads as follows: "Subsection eight of section thirty-five of the Industrial Conciliation and Arbitration Amendment Act, 1908, is hereby amended by deleting the words 'other than the making of a recommendation.'" That section of the Act which it is proposed to amend prevents the Conciliation Commissioner from having a vote in anything dealing with the Conciliation Council's recommendations. Now, if the promoters of this Bill desire to kill conciliation in connection with the operation of the Arbitration Court, or to kill the effectiveness and usefulness of the Conciliation Councils, they could not put in a better clause than that. We do not very much care—as a matter of fact, the employers as a whole do not very much care—whether they put in this clause or not. But if this clause goes in, what is going to happen is that you are going to turn the Conciliation Commissioner into an arbitrator. He will not be a conciliator at all. That would be the last of it. There cannot be any other result. And you will have two Arbitration Courts. Now, if there is one thing more than another which makes for success in connection with the Industrial Conciliation and Arbitration Act it is the Conciliation Councils. They have had a very considerable degree of success in securing a settlement of disputes. This has been the case right throughout the Dominion, and it is chiefly due to the fact that the Conciliation Commissioners have not got a vote. Conciliation Councils have been a success mainly because the Commissioners have had to get both sides to agree. If the Commissioner has a vote it will result in giving offence to either one side or the other, and instead of, as at present, in nine cases out of ten, recommendations being accepted, and not having to be referred to the Arbitration Court except for ratification, it will be the other way about to a great extent, and whichever side the Commissioner's decision is against will be to that extent prejudiced before the Arbitration Court. There is a good deal of feeling generally in connection with these cases, and if the Commissioner has a vote and dissatisfies either one side or the other, then the case will be carried on by the dissatisfied party to the Arbitration Court, whereas otherwise it would probably be settled without this being necessary. On the other hand, if you allow the Commissioner to remain simply a conciliator, and he uses his judgment and his persuasive powers, each side will probably give way and be inclined to come to terms, with the result that the dispute is settled through the Conciliation Council without having to be taken on to the Arbitration Court. It is very hard to understand a proposal of this sort unless, as I think, the promoters of the Bill are out definitely to kill the whole thing. If they are out for that purpose they are going the right way about it. Now, with reference to clause 6: in this clause they are pressing to reduce the time within which a Conciliation Council must report to the Clerk of Awards. Subsection (1) of section 42 of the Amendment Act of 1908 prescribes an interval of not less than one month or more than two months before the Conciliation Commissioner reports to the Clerk of Awards. The proposal in the Bill is to alter "one month" to "three days," and "two months" to "one week." That is another thing that will kill conciliation in this country. Very often in difficult cases the best work done by the Commissioner is after the preliminary sittings of the Conciliation Council. Very often in connection with such cases there is a considerable amount of feeling with regard to the matters in dispute, and those who have had experience of Conciliation Councils know that it is good business to let the parties "blow off steam." That is the first element in connection with a settlement. Now, you can quite realize that in the more important cases, where there are distinct differences between the parties, the Commissioner himself gets little intuition as to what are the matters in dispute at the preliminary sittings, and