1920.

NEW ZEALAND.

LABOUR BILLS COMMITTEE.

INDUSTRIAL CONCILIATION AND ARBITRATION AMENDMENT BILL.

(MR. LUKE, CHAIRMAN.)

Report brought up 8th September, 1920, and, together with Minutes of Evidence (brought up 29th October, 1920), ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

THURSDAY, THE 15TH DAY OF JULY, 1920.

Ordered, "That a Select Committee be appointed, consisting of ten members, to whom shall be referred Bills more particularly referring to labour; three to be a quorum: the Committee to consist of Hon. Mr. Anderson, Mr. J. S. Dickson, Mr. Howard, Mr. Kellett, Mr. Luke, Mr. McLeod, Mr. Potter, Mr. S. G. Smith, Mr. Sullivan, and the mover." —(Hon. Sir W. H. HERRIES.)

THURSDAY, THE 15TH DAY OF JULY, 1920.

Ordered, "That the Industrial Conciliation and Arbitration Amendment Bill be referred to the Labour Bills Committee."—(Mr. SAVAGE.)

TUESDAY, THE 21ST DAY OF SEPTEMBER, 1920.

Ordered, "That the report of the Labour Bills Committee on the Industrial Conciliation and Arbitration Amendment Bill be referred back for further consideration."—(Mr. HOWARD.)

REPORT

ON INDUSTRIAL CONCILIATION AND ARBITRATION AMENDMENT BILL.

THE Labour Bills Committee, to which was referred the above Bill, has the honour to report that it has carefully considered same, and recommends that it be allowed to proceed as amended.

The minutes of evidence are attached hereto.

JOHN P. LUKE, Chairman.

21st September, 1920.

THE Labour Bills Committee, to which was referred back the above Bill, has the honour to report that it has carefully reconsidered same, and recommends that it be allowed to proceed as previously amended.

JOHN P. LUKE, Chairman.

29th October, 1920.

MINUTES OF EVIDENCE.

WEDNESDAY, 28TH JULY, 1920.

MR. M. J. SAVAGE, M.P., examined. (No. 1.)

1. *The Chairman.*] Will you kindly present to the Committee such evidence as you propose to submit in support of the Bill?—One of the purposes of the Bill is to provide for the formation of Dominion unions. It has been suggested that this indicates intention to form what has been described as "one big union." Any one who knows anything about the "one big union" idea will recognize that there is as much difference between that and the proposal in my Bill as there is between north and south.

2. *Hon. Sir W. H. Herries.*] Did you see the statement by Mr. Grayndler in the *Maoriland Worker* about two weeks ago that they were working for one big union?—No.

3. *The Chairman.*] What you are contending for is one Dominion union in each industry?—That is the idea. The principle seems to me to be fairly obvious, because there is a good deal of overlapping and expense in connection with the running of the unions. Where you can get one union for an industry it makes for scientific handling of business, both by unions and by employers. Instead of having a lot of small bodies here and there, all fighting in their own way and very often conflicting, it is better to have one union for one industry right through the Dominion, with branches in each locality. That is the provision of clause 2 of the Bill. Clause 3 deals with the appointment of Clerks of Awards. It proposes to appoint one Clerk of Awards to act for the whole Dominion. At present a Clerk is appointed for each industrial district. Under the Bill there would still be a Clerk for each industrial district, and in addition you would have one for the whole Dominion. Clause 4 deals with section 16 of the Industrial Conciliation and Arbitration Act, 1908, which gives a Magistrate power to dismiss any charge he may consider trivial or excusable. The complaint against that is that too many charges have been found trivial or excusable, and it is almost impossible to get a conviction. We want the part cut out which deals definitely with the power of the Magistrates to dismiss. Clause 5 relates to section 35, subsection (8), of the Act of 1908, which provides against the Conciliation Commissioner having a vote in the making of a recommendation for the settlement of a dispute. The clause proposes to give the Commissioner that power. To be candid, I am not enthusiastic about his having it. However, that will be a matter for evidence to show.

4. Do you mean that the Commissioner could put new material into the matter to be put before the Arbitration Court?—No. Certain proposals are discussed before the Conciliation Council, and they are unable to come to an agreement—there is a deadlock. Under this proposal the Commissioner would have power to give his vote, one way or the other, in making a recommendation.

5. You do not suggest that the Commissioner should have power to insert any section in connection with the dispute—that is, to build up any addition?—No. If he had that power the other people might as well stay at home.

6. You want to put him in the position of a chairman: where they do not agree he should have a casting-vote?—Yes. Clause 6 of the Bill proposes to amend subsection (1) of section 42 of the 1908 Act, which provides that in the event of no settlement of the dispute being arrived at the Commissioner shall, not earlier than one month or later than two months, notify the Clerk of Awards that no settlement of the dispute has been arrived at. The clause in the Bill proposes that it shall be not later than one week or earlier than three days. There seems to be no reason why so long a period should elapse before notifying the Clerk of Awards, and as things stand every one is left in a state of uncertainty. Clause 7 deals with section 61 of the Act, which provides that where a worker has been paid at a lesser rate than that provided for in an award or industrial agreement no action to recover the difference shall be taken by the worker against the employer save within three months of the day on which the wages claimed became due and payable. We want the three months struck out and six months substituted. It is also proposed in the clause that where the worker has been a party to such an underpayment the amount due shall be paid into the Consolidated Fund, and not to the worker. Clause 8 of the Bill deals with section 71 of the Act of 1908. That section provides that "No award or industrial agreement made after the commencement of this Act shall affect the employment of any worker who is employed otherwise than for the direct or indirect pecuniary gain of the employer: Provided that this section shall not be deemed to exempt any local authority or body corporate from the operation of any award or industrial agreement." Under that clubs are exempted to-day. We want clubs to be brought under the provisions of awards or industrial agreements. Witnesses will be able to give evidence on that point. There are a lot of workers employed in clubs and there is no hold upon them at all. I have now stated the whole purpose of the Bill.

FREDERICK CORNWALL examined. (No. 2.)

1. *The Chairman.*] What is your position?—I am secretary of the New Zealand Federated Painters and Decorators' Association.

2. Will you make a statement as to the proposed Amendment Bill?—I am asked by the New Zealand Federated Painters and Decorators to endeavour to get Parliament to make it possible for them to have one union for the Dominion, instead of thirteen as at present. Our desire is to be able to approach the employers as one body, and have one award. There are two or three principles involved in this matter. At present it is impossible to get a Dominion award, and we submit that if we had power to form one union for the trade we would be in a position to approach the employers, who would also, probably, be one union. They are in much the same position as we are at the present time, having unions in practically every centre. We find that the present system is exceedingly expensive, and most unsatisfactory to both sides. That is our sole object in trying to get this amendment put into operation—so that we should have one union, and be able to carry out our business more satisfactorily and more beneficially, we contend, to both parties. In order to further that object we desire an amendment of section 33 of the principal Act, to make provision for a Dominion Clerk of Awards. Some years ago an amendment of the Act was made which most trades-

unionists thought made provision for Dominion awards, but when a case was brought by the New Zealand Bakers and Pastrycooks' Union it was found impossible, owing to the wording of the Act, for a Dominion award to be made. The judgment was given in Wellington by Mr. Justice Sim, and since then we have had to go all over the country to get awards. I think it was submitted by Mr. Justice Sim that if a Dominion Clerk of Awards were appointed there would then be authority to deal with Dominion awards, where there is at present no authority provided for by Act to undertake that work. We are also supporting the other clauses of the Bill, but Mr. Kennedy will give evidence in regard to them.

3. How will the existence of your thirteen unions operate under the Bill in the matter of trifling disputes from one end of the Dominion to the other: would it not affect the whole industry throughout New Zealand?—Yes, but practically every trade has a conference every two years, or yearly. The awards are generally for two years or three years. Prior to such a conference each union would instruct its representatives as to what our claims would contain. Then the national executive would act for the whole of the unions throughout the country.

4. But notwithstanding all the conditions of the agreements you enter into, are there not certain disturbing influences that are seen at times—it may be in one centre, and it may be in another?—That is what we want to avoid.

5. With all the machinery you may build up, if there is a disturbance in one part of the Dominion, would it not disturb the whole industry in every part of the Dominion?—Not necessarily. That would be a branch, and that branch would have to submit to authority. Suppose, for example, the disturbance was in Auckland: there would be twelve other branches against Auckland, and Auckland would have to be brought into line.

6. You would be introducing a condition that has not operated on every occasion up to the present time?—In every other country there is what we ask. Take the United States of America: as far as painters are concerned they have one brotherhood of painters, which includes Canada as well as the United States. They have not branches, but what they call "locals." There are 1,290 locals of painters in the United States and Canada, and they are all under one head.

7. *Mr. Howard.*] Have not the engineers of New Zealand one union now—the Amalgamated Society of Engineers?—Yes.

8. So it is not a new idea of the painters?—No.

9. *The Chairman.*] What merit is there in the proposal for a Dominion Clerk of Awards?—Well, at present it is impossible for any trade to get a Dominion award. What happens is that you get what are called uniform awards, but it takes nearly twelve months, sometimes, for the Court to go right through New Zealand. Take the cases now in hand in Wellington. It is five months since the Court sat last in Wellington. Disputes which were just too late for the last sitting of the Court in February have had to wait over till now.

10. How are you to provide for a Dominion award, with varying costs of rent and living?—At the present time you do not get it. The Court will not give it. But the Court makes an order that the increase shall be so-much, and it applies right throughout. I and other workers have submitted to the Court that in Wellington the workers are entitled to at least 5s. a week more than those in other centres of New Zealand on the rents alone, but the Judge told me only last Monday that the Court is making this matter uniform. It applies irrespective of what the rises are in the various localities.

11. But notwithstanding the varying cost of living, you are prepared to accept one union, one award, and one rate of pay?—Yes.

12. That is not borne out in connection with the tramways dispute. We had to build up three schedules, "A," "B," and "C," so that you could have varying rates for each centre, on account of the differences in the cost of living, the rent particularly?—They may not desire one union: we do.

13. *Hon. Sir W. H. Herries.*] Does this mean that they are going to pool the funds of the different branches?—No. In the proposal which was discussed at our two or three conferences it was agreed that the local unions should have the control of their own finances. They would contribute a certain amount *per capita* towards the expenses of the central office, but each union would have the entire control of its own funds.

14. So that if one branch had a good "nest-egg," it would not be "collared"?—That would not be possible. Some of the unions which have a few pounds would not agree to part with them for the purposes of a central office.

15. If there were a strike in Auckland, over, say, the interpretation of an award, would that mean, in case there was one union, that there would be a general strike?—No. At present a branch can strike. We want to prevent them from striking. They would have to obey instructions from the national office, and no national office would want a section out here and a section somewhere else. They would not start a thing like that. They would not, because a dispute occurred in Auckland or Wellington, pull all their men out, all over the country.

16. *Mr. Sullivan.*] It would introduce more discipline?—Yes.

17. *Mr. Howard.*] I would like to get at the underlying principle you are dealing with. At the present time are not the Amalgamated Society of Carpenters one union, and the engineers one union?—Yes.

18. So that your object really is economy as between the Court and the workers in the settlement of disputes?—Yes, and in the general organizing-work of the unions. If we had one union we would have an organizer attending to our business, whereas now we have part-time organizers—men working at their trade and attending to our business at the same time.

19. The Shearers' Union are really one union, only operating under the Court as a number of unions?—Yes.

20. You are really trying to legalize a position which is already established?—Yes.

21. *Mr. Sullivan.*] What is the position of the freezing workers: are they not in exactly the same position as the shearers?—Yes, as far as their own industry is concerned.

22. And have not the bootmakers a Dominion award?—A uniform award.

23. In their special case is there not something in their registration which has enabled them to get a Dominion award?—I understand that you cannot get a Dominion award. I am going entirely upon Mr. Justice Sim's decision. The bootmakers would have the same registration as any other organization.

24. *Mr. Potter.*] Are you not expressing only your own opinion as regards the future of industrial trouble under one union in saying that the whole would not come out? Is it not just what you surmise?—I know the class of workers I represent, and they are not a class who are fond of striking. I do not think any painters' organization has been out on strike in the history of New Zealand.

25. But you never know what may eventuate. You are expressing your individual opinion?—And I am instructed to express that. We have discussed this matter for a number of years. It has been sent to both the present and former Ministers of Labour. We have discussed it from many points of view, and we think that from our own point of view as to organization this is the best step we could take.

26. If one branch were to come out on strike would it not be supported by all the others?—If that branch did come out they would have to put up with the penalty.

27. *Mr. S. G. Smith.*] Do you know anything about the constitution of the Amalgamated Society of Railway Servants?—I know they have two unions.

28. But that they have branches all over New Zealand?—Yes.

29. Controlled by an executive in Wellington?—Yes. We do not care where the executive is placed. We want something similar to what they have.

30. Do you know that the executive of the railway men deal with the head of the Railway Department in fixing wages and conditions of employment?—I understand that that is so.

31. And that is what you want for your union?—Yes.

32. Do you know anything about the constitution of the Employers' Federation?—No. I have never had a chance of getting hold of a copy of it.

33. But you know sufficient to be able to say that they have branches all over New Zealand?—Yes.

34. And they are controlled by a central executive?—Yes.

35. *The Chairman.*] Would you consider the work of the railway administration throughout New Zealand, it being a Government concern, is on all-fours with the separate activities of other enterprises?—No, but it has a similar organization—one organization.

36. Would there not be more chance of disturbing influences where you were dealing with a whole industry?—No. There would be more likelihood of fixing things up more beneficially to all concerned. You would have a recognized authority in every trade. You would have the executives of two different bodies, employers and workers, who would deal with the whole of the society all through the country.

37. *Hon. Sir W. H. Herries.*] How many men are there in your union?—In the Federation there are about thirteen hundred.

38. *Mr. Kellett.*] You are speaking practically for the lot?—For the painters' unions of the whole Dominion.

EDWARD KENNEDY examined. (No. 3.)

1. *The Chairman.*] Whom do you represent?—I am president of the Wellington Trades and Labour Council, and I also represent the Hotel Workers' Federation of New Zealand.

2. What do you wish to say with regard to the Bill before the Committee?—At the outset I want to say that the proposal contained in clause 2 has nothing whatever to do with the O.B.U. It also has nothing to do with striking unions; otherwise we would not be here trying to improve an Act which penalizes us very severely if we go out on strike. The Hotel Workers' Union has something like fourteen thousand members in New Zealand, and we have something like twenty-three separate controls over that organization. Wherever we have a little branch they have definite control, laying down certain lines, which is not right. If we wanted to be anything else but a union registered under the Arbitration Act, there is ample power already outside the Act to form one big union and escape the penalties of this Act. Our section would still remain under the Act.

3. Then, you do not need it, as far as you are concerned?—No—if we wanted to do it. I want to dispose of the idea that we want to go out on strike or form one big union. All we want to do is to bring the Arbitration Act into line with the Arbitration Acts of other countries. The Arbitration Act of the Commonwealth of Australia allows you to have one union covering the whole Commonwealth in one industry, a union controlled by one body. The Arbitration Act of Queensland allows you to have one union in an industry right through the State. In New South Wales the same principle applies, and again in South Australia and Western Australia. In Victoria they have no arbitration system. Our Act has got to be improved if it is going to last. We have been pleading with Parliament for quite a number of years to try to improve the industrial machinery of this country. Since 1908 only one small part has been improved, and that was in 1911. We had great hopes of that legislation doing something along the lines of a Dominion award. We first tried to utilize it with the bakers, and, of course, if that had been successful the whole of us would have followed in line. We made the bakers' case a test case to decide whether the law stood or not, and after trying for some ten months to bring the law into operation we got before the Court, Mr. Justice Sim presiding. His decision can be found in Volume 13 of the Book of Awards. This is what he said in delivering the judgment to the Court: "It was proposed that the application by the association for a Dominion award should be heard at the sitting of the Court in Wellington during the present month. The amending Act of 1911, which authorized the making of such an award, came into force on the 1st March, 1912, but the regulations prescribing the procedure in connection with such applications were not gazetted until the 13th June, 1912. The association became so impatient at the long delay on the part of the Labour Department in having these regulations framed that, in anticipation of the regulations, an application for a Dominion award was framed and filed in some of the industrial districts of the Dominion. When the proceedings in connection with this application were examined they were found to be so defective that it was impossible to proceed with the application in its then form, and the parties were informed of this. The association has now applied to the Court for directions as to further proceedings in connection with the application. The Court, of course, cannot issue any directions to the association on the subject. All that it can do is to make suggestions with regard to future proceedings. Having carefully considered the provisions of section 4 of the Act of 1911 and of the regulations thereunder, we have no hesitation in advising the association to abandon the attempt to obtain an award under the Act in its present shape. The procedure is so complicated and confused

that months probably would elapse before the hearing could be reached. The chief difficulty arises from the provision contained in subsection (5) of section 4, as to the place of hearing. That provides that the application shall be heard at such place or places as the parties may agree on, or, in default of such agreement, as the Court, on the application of any party after notice in the prescribed form to the other parties to the dispute, directs." At the finish the Court tells us in plain language that the law is futile, and we had to throw the whole thing overboard, because of the faulty regulations.

4. Were there any other defects ?—Quite a lot; but I will not delay the Committee by going into details. After that we had to abandon the matter on the direction of the Arbitration Court. Ever since that we have been pleading with Parliament to do something to amend the industrial legislalation if they want to be in earnest about showing that this industrial legislation should stand, and that the industrial unrest of the country should be stopped. I say that the industrial unrest of the country is entirely due to the faulty legislation under which unions have to work. Let me explain: Immediately after this happened some of the unions wanted to get Dominion awards, but the Court told them they should not get them. The unions asked Parliament to amend the law, particularly in reference to the Arbitration Court. The Arbitration Court was unable to do anything, but then the unions found that, irrespective of Parliament and of the Court, they could get the very thing they wanted. In this way they soon had contempt for Parliament and contempt for the Arbitration Court. You cannot blame a body of workers for that when they had pleaded both to the Arbitration Court and Parliament for something, and were repulsed in both places, and then they found that outside, at a private conference with the employers, they could obtain what they wanted. It stands to reason that they would treat the Arbitration Court and Parliament with contempt. That was the beginning of industrial unrest and of contempt for the arbitration system of this country.

5. In what year did contempt for the Court start ?—In 1912 and 1913.

6. *Mr. Howard.*] What unions organized outside the Court ?—The waterside workers and the drivers. The Drivers' Union had attempted to do the same thing, and it took them twelve months, after making application for a Dominion award. They got interim awards before the twelve months. As soon as the Court's decision was given the drivers attempted to go out on strike. When this happened the Government stepped in and Cabinet's decision will be found in Volume 17 of the Book of Awards, relating to Rotorua, &c. The award was not satisfactory because consideration was not given to the increase in the cost of living. They would have been satisfied if they had got the award shortly after making the application. The cost of living would be over 6s. a week, and Cabinet gave the drivers 6s. by Cabinet order. The Government were saying at that time that the arbitration system had to stand in this country, but the decision of the Court was as I have stated—whether right or wrong, I do not say; nor am I contending that the decision of the Cabinet was right or wrong—I am just putting the facts before the Committee. How could the Government expect that all the other organizations who were under the Arbitration Act would accept the decision of the Arbitration Court—that they would swallow this decision when the Government themselves said that in the drivers' case the decision was wrong and gave them a bonus of 6s. ?

7. *Hon. Sir W. H. Herries.*] The drivers were glad to get it ?—I cannot say whether they were or not. I am putting this phase of the question as I see it as the beginning of industrial unrest. Quite recently the railway servants of this country had a Board set up. They would not accept the decision of that Board, and they got another. The peculiar thing was that the president of the first Board was also president of the Arbitration Court, and we people under the Act have to accept the Court's decision. How can you expect us to be satisfied with the decision of the Arbitration Court when the Government itself said that the decision was wrong, and gave the railway servants new terms ? The matter now under review is not such a big, extravagant proposal as some people have tried to make out. The principle already exists in your Arbitration Act, and it gives to the railway servants the very thing we ask for. If it is good enough for the railway servants to have one union registered under the Act and embracing the whole of New Zealand, that principle has only to be extended to other trades-unions.

8. *Mr. Potter.*] But have not the railway men only one employer ?—What difference does it make whether there are a thousand employers or one ? It is the principle of the thing that matters. If it is good for the railway servants it is good for others.

9. *The Chairman.*] There is more restraint in the railways than with men outside: they consider things before they move ?—Does not everybody do that ?

10. I am afraid they do not. However, give your evidence ?—Section 121 of the Act extends to the railway servants the same sort of liberty that we are now asking should be extended to all the unions if they like to avail themselves of it.

11. *Hon Sir W. H. Herries.*] Is there not a great exemption ?—There is no exemption. They may be registered as one union under the Act, and this proposal only deals with the registration of unions, not with applications and the work of the organization, and that is provided for in the railways. The next clause of the Bill provides for a Dominion Clerk of Awards. It is absolutely necessary that there should be such an officer in order to get a Dominion award. The next clause proposes to strike out the words in section 16, giving the Magistrate power to dismiss cases which he considers trivial. The point is that the Labour Department are the administrators of the awards, and it is they who decide whether a breach is trivial or not. If it is they do not take it to the Magistrate—they decide it for themselves; and you cannot shift them. They set themselves up as the Magistrate. Thousands of letters from organizations in New Zealand could be got along this line. It has been a complaint of organizations for years. The next proposal of the Bill is to give the Commissioner a vote in the making of recommendations. The Commissioner now has power to vote upon every other point that comes under his jurisdiction except that of making recommendations. He has power to vote as to who shall represent an organization in a case before him, and what employers shall be represented. We think that if it is good enough for him to have that power he should have the right to vote upon the making of a recommendation. That does not cut away power from either the union or the employer, because they will still have the right to go to the Court. Generally the deciding voice in the making of an award is the Judge of the Arbitration Court. Very often in deciding a point he knows a great deal less about it than the Conciliation Commissioner. Therefore let the Commissioner have a vote, and if there is dissatisfaction with his action in the matter there is still the power to go to the Arbitration Court. The next amendment deals with the report of the Commissioner to the Court. We want to reduce the time within which he has to

report to the Court to not less than three days or more than one week. Quite recently I have had four cases blocked out from the sittings of the Court in my district, and they will have to wait till the Court comes back again. If that takes as long as it did last time I am not going to get before the Court this year. If the Commissioner had to report in between three days and a week I could have got those cases before the Court at its present sitting. In industrial matters time is important. The next amendment in the Bill was very well discussed before the Labour Bills Committee last year, and the evidence given then ought to be available. The proviso in the present Bill is exactly the same as the recommendation of the Labour Bills Committee of last year. When we gave evidence upon it we wanted to repeal this clause altogether; but the decision of the Committee after hearing the evidence was that the law should be amended in the way that is proposed in the present Bill. With regard to clause 8 of the present Bill a lot of evidence was also given last year. Last year's Bill proposed the repeal of section 71 of the Act of 1908, and its amendment is now proposed. Here, again, the present proposal is exactly the recommendation of the Labour Bills Committee of last year on the Arbitration Bill of Mr. Walker. I do not know whether I may be allowed to mention. something that is not in the Bill.

12. *The Chairman.*] If you can enlighten us we shall be glad?—What I wish to speak about relates to the definition of "industrial matters." These are at present defined in the Act as—"all matters done or to be done by workers, or the privileges, rights, and duties of employers or workers in any branch of industry." What I want to suggest is an amendment after the word "workers" in the second line, by the insertion of these words: "the place and method of the engagement of workers." If that were done it would avoid the trouble which the organization I represent, the Hotel Workers' Union, is undergoing before the Court of Appeal. In the awards relating to hotels and restaurants for the last ten years we have always had a clause which reads as follows: "When an employer wishes to obtain the services of a worker he shall make application to the secretary of the union to supply him with the required worker, and if the union is not in a position to supply his requirements within a reasonable or prescribed time the employer may engage any person, whether a member of the union or otherwise.'" But there has cropped up a doubt whether the Court has power to insert that clause in the awards. The question is now before the Appeal Court, and the decision may be either way. If the words I propose were placed in the law it would give the Court power to insert this clause, after hearing evidence as to whether it is advisable or not. The chances are that the Appeal Court will not deal with the case till after November or December, and Parliament will then not be in session to amend the law if it was found faulty. We ask Parliament to make the matter clear. In doing so it would be acting on the lines of the Commonwealth arbitration law. The Court has always been willing to give us this clause, and it has worked well for ten years. Before it was inserted in the awards employers could only get workers through registry offices or by advertisement in the newspapers. Mostly girls are employed in the hotels, and they do not run around seeking for employment, but depended upon the registry offices and the newspapers. In the registry offices they had always to pay fees, and the employer also had to pay. When conducting the case of the hotel workers before the Court I put in a return showing the number of applications and casual engagements made through the union's office in the period between the 1st October, 1917, and the 1st February, 1920—two years and a half. This relates to Wellington alone; and the same method is adopted right through New Zealand. Auckland, perhaps, would do more than we did. This return showed that in the period mentioned we had applications for 10,624 workers, and we were able to secure 8,637. In addition to that we engaged all the casual workers for balls and races in Wellington in the same period, a total of 278. This is what I said to the Court on the point: "To show the saving to the employers I have taken out the following table; and assuming that the union was not operating this clause, and the employers were obtaining the same number of workers from registry offices which were licensed to carry on that business in accordance with the provisions of the Servants' Registry Office Act, 1908, and we apply the regulations as to scale of charges, which reads as follows: 'Where the weekly rate of wages exceeds £1 but does not exceed £2 (and board and lodgings), fees payable by the worker are 3s., and by the employer 6s: Engagements, 8,367; amount payable by employee (3s. per engagement), £1,295 11s.; payable by employer (6s.), £2,591 2s. A total of £3.886 13s. saved to the workers and employers.'" If we can get those words inserted in the definition of "industrial matters" it will make it clear that the Court has power and jurisdiction to provide for such a clause. We would still have to prove to the Court whether the clause was a good one to give to the union or not.

13. What are you contending for in regard to the one-union clause: is it financial benefit that will accrue to the nation, or the consolidation of effort?—Both national benefit and the consolidation of effort. In the Hotel Workers' Union alone if we could have one union for the whole of New Zealand we would be able to save close upon £4,000 a year. It costs us something like £10,000 a year to run our organizations.

14. How are you going to cut it out: would you not still need your separate organizations?—You would not. You would still need to have branch offices and a branch committee, but you would not require all the other paraphernalia. In our society alone we would save close on £1,000 in the two years, in the matter of our circulars and printing alone. You have to get out twenty-seven awards. Under what I am suggesting we would have to go through only one preliminary.

15. You would have only one award, then?—Yes.

16. I want you to be definite about that. Will that give general satisfaction to the employees throughout New Zealand?—Yes, it must, because when you take up the twenty-seven awards and read one you read the lot.

17. Do not the wages and hours vary?—No. They are the same all through the Dominion, with the exception of two. We are reaching out in Wellington for a forty-eight hours week for our girls. That will go in a circle all through New Zealand. Otherwise, we work under the Shops and Offices Act.

18. I want you to be perfectly plain and honest with the Committee and the people. You are pleading for your industry, and you are right to put all you can before us. But the Committee has to look at the matter from the public side as well as from yours. What is going to be the effect on the community if we entrench your organization in such a way that the facilities for the people in the matter of obtaining food are going to be disturbed as compared with present conditions?—The mere fact that we had one union would give greater security of peace than under a large number of

unions. We still have power to have an association, but the association is only composed of the different unions in the different centres. You do not, with your association, curtail one iota the power of your unions. But if you had one union, and the others were branches, you would curtail the powers the unions have now, operating in the other industrial districts. Consequently, with a federation, the federation has not a quarter of the control that one union for the industry, operating from one head, would have.

19. Do you distinguish any difference between one union as representing the railway service and one union representing the different sides of another industry in New Zealand? Take your own industry, or the painters and decorators, or the engineers?—There would be no difference.

20. Does not the superannuation system in the railway service, with their general privileges as compared with outside organizations, make a difference? Would not that be an essential feature with the railway people, and make them a bit conservative before they broke out and caused a disturbance?—The reply to that is the decision of the railway people and what they did quite recently.

21. That answer would not apply in ordinary conditions: it was a most extraordinary happening?—But it is there. The inevitable thing happened.

22. What is the difficulty about the present conditions as to reporting the results of Conciliation Councils: you want a minimum of three days, and not exceeding a week?—That is, after we have argued with the Commissioner. Now he has not to report to the Arbitration Court for a month, and the dispute is not ripe for a hearing by the Court until that month elapses. One case brought by the Cooks and Stewards' Union, and another relating to restaurants, are all ready now for hearing, but we have missed the sitting of the Court. It will not be back in Wellington for six months, and we have to wait for the six months. If the period was a week or three days we could have got before the Court by this time. That would expedite the work. There is never a complete settlement before the Conciliation Council. The law says you have always to leave some item in the dispute for the Court to settle. You cannot get there until the month has elapsed, even if you have practically arrived at a settlement.

23. *Hon. Sir W. H. Herries.*] With regard to the 1911 amendment, are you satisfied that Parliament intended to give power to get a Dominion award?—Yes.

24. Was it to be a Dominion award or a Dominion union?—A Dominion award.

25. That is not one union?—I am talking of a Dominion award.

26. Would you be satisfied if you got a Dominion award?—You would still have to have a Dominion union, or federation of workers, and a Dominion union or federation of employers. Then the law could operate, but without that it would be impossible.

27. You said something about regulations. Was the Act clear, or was it the regulations that made it not clear? Was it the regulations that we followed or the Act?—Mr. Justice Sim blames both. He blames the regulations for the delay in taking six months to get to the Court, and he says then that both the Act and the regulations were no good. He advised the union to drop its application. So it had to go again over the whole ground—to set up Conciliation Councils, make another new demand, and then, when that was all over, to wait till the Court came back to Wellington. The Court could not give its decision till it had gone all round; consequently, you will rarely find the unions now trying to get a Dominion award.

28. Is it not a fact that some unions object to a Dominion award because they think the workers should be treated differently from some other part of the Dominion?—I have never heard of any union objecting to a Dominion award.

29. Did not the tailoresses in Auckland object?—I do not remember it happening.

30. *The Chairman.*] The tramway men did object. We had conferences time after time. We drew up three schedules—"A" for Wellington, "B" and "C" for other parts of the Dominion, and then they broke up?—There seems to have been some other reason.

31. The reason was that they would not unite?—I do not know.

32. *Hon. Sir W. H. Herries.*] Is not the cost of living much cheaper in Auckland than elsewhere?—In the Tramway Union decision which covers the whole of Australia the whole of the conditions are the same, but what has happened? In different places the national Arbitration Court has given different conditions as to the cost of living. We have never been able in New Zealand to get the Court to adopt that course.

33. Is it not a fact that in your own award there are differences: does not Rotorua come under a separate award?—They are all different awards.

34. There is not one Dominion award?—No; we have twenty-seven different awards.

35. Are there not differences as regards conditions?—Very rarely. The hours are fixed by the Shops and Offices Act. The wages are the same.

36. But the conditions are not always the same?—The one day a week is the same. There is only the principle governing the hotel workers—that is, the Shops and Offices Act, which I hope we shall have amended this session. We have girls working fifty-six hours a week in this country.

37. *Mr. Howard.*] The effect of the Act has been to drive them from under the Act?—Yes.

38. And you are trying to hold them under the Act?—Yes, that is my object.

39. The Trades and Labour Councils were registered under the Act?—Yes.

40. And they were driven from under it?—Yes.

41. You are trying to prevent any illegality taking place?—Yes. I would not be here if it was not with that idea.

42. To really avoid strikes?—Yes.

43. *Mr. Sullivan.*] As to the consolidation, you aim at it for administrative purposes only?—Yes, mostly that.

44. The point Mr. Howard made holds good, that if you wanted to develop consolidation for fighting purposes you would go outside the Act?—Yes; nobody would go for a fight when he knows the penalty under the Act. I know what I am speaking about, because I have had experience. I know of a case where the Government intended to grab the furniture and the little girl's sewing-machine—that was in the case of the Petone Woollen-mills strike; yet when the tramwaymen and railwaymen go out on strike the Government are not game to do it to them.

45. Do you say the unions get agreements quicker outside of the Act than within the ambit of the Act?—Yes.

46. And you want the unions registered under the Act in order to have the same advantages in the matters of quickness and despatch and uniformity as the unions can get by going outside of the Act ?—Yes ; and the unions only went outside of the Act for that purpose. Personally, I believe that the workers in this country stand by the arbitration system. That is my own opinion of the workers- that they will stand by the Act for the settlement of disputes ; but unless the Government will tackle and handle the industrial laws of the country action may be taken outside the Act, and the Act will go.

47. You are acquainted with the industrial history of the Old Country for the past twelve months ?—Yes.

48. Do you know that in probably a majority of instances in which there has been industrial trouble it has been through lack of discipline, lack of organization, and sectionalism prevailing against consolidation ?—Nothing else. That is the start of all the trouble, even in this country. The big trouble here happened because the unions did not have proper control.

49. In other words, consolidation has proved that it actually makes for industrial peace rather than for industrial unrest ?—Yes.

50. Especially when the consolidation is sought under the Arbitration Act ?—Yes.

51. In regard to the last clause in the Bill (clause 8), it provides for bringing certain clubs within the scope of the Act ?—Yes.

52. It would not provide for bringing in gardeners ?—No.

53. I think that is a defect in the Bill ?—The proposal in the Bill of last year was to bring in gardeners, but this was the decision of the Labour Bills Committee on that Bill. I was interested in it because I wanted a provision regarding clubs. Even if you give what is wanted we must first file a case against all the clubs and go to the Conciliation Council and the Court and argue the matter out as to the conditions.

54. Do you not think the employers of gardeners ought to be included ?—I have no objection.

55. *Mr. Kellett.*] Do you not think it is right that they should be included ?—My own opinion is that the section of the Act should be repealed, and that where there is an award operating and there is anybody working he should be bound by the same conditions as the other fellow.

56. In regard to seeking the right to get a Dominion award for your industry or any other industry the Minister of Labour asked you, would the branch officers of the unions accept the recommendations of the Court ? Would you make clear to the Committee the method you would adopt in bringing about your Dominion award and advocating it before the Court ? I understood you to say your branch unions would fall in with the suggestion of the executive, and you want to make that clear ?—The branch unions have to obey, and they have nothing to do with the making of agreements. They are there to administer the clause for the engagement of workers and to see that the award is carred out. As far as this industry is concerned there would be no difference as to the conditions, because the question is as to the hours per week, and they are now fixed by law. Then there is the one day in seven, which I hope will be brought into force, and there is also the matter of wages and the engagement of workers. There is nothing as far as hotels and restaurants are concerned that is different. But supposing it was a Dominion award for a place where the conditions were different, then there can be no argument that the case would go before the Court, and the Court can fix certain conditions. The other day I asked the Court to consolidate an award for the ironworkers of New Zealand, and the Judge said, " Yes, provided you can get them all to agree." Every award in the iron industry in New Zealand is the same—word for word—and there are about twenty of them. When the Court is finished in Auckland the award there will be the same. In Dunedin there was an extra holiday given to a section of workers which was not given to others. I met the employers and said, " Now, for uniformity, let us have the holiday the same," and that was done.

57. I think you missed my point : Your method of appointing representatives from Auckland to the Bluff to decide on what shall be a Dominion award is an important point. Would you give representation from Auckland to the Bluff in framing the award ?—Yes.

58. And when an agreement is come to each and every union has voiced its opinion on what is required ?—Yes, and that is so now. We meet once a year and questions come up, and we say, " Those are the claims we put in, and here is the first decision." Everybody has the chance of considering them right through.

59. *Mr. Potter.*] In regard to the " one big union " scheme, you want it for administration purposes in the first place and for collective action in the second place ?—What do you mean by " collective action " ?

60. If there is an industrial dispute the unions joined to the one body will come out : if one strikes the lot will come out ?—I thought I had made that clear. We have that power now, and there is nothing in the world to stop it. This Bill is an amendment of the law that provides for penalties, and do you think that I, as a fairly intelligent man, if I thought the organizations were going to be striking organizations, would come here and shackle them ? No, not for a moment.

61. But is it not a fact that I have stated ?—When unions strike in spite of the penalties they have good cause.

62. Has it ever been suggested by labour parties in New Zealand or by anybody connected with labour that there should be one big union of the organizations, and is it not probable that that big union might combine with others and make one bigger union ?—How do you mean ?

63. *The Chairman.*] A federation of unions ?—Well, let me talk about the meat industry.

64. *Mr Potter.*] But I asked you about the unions coming under one award, and I say it is probable they may come under the one big union ?—I am not a prophet, and I cannot say what will happen in the future, but, judging by past history, a man would be as old as Methuselah before that would happen.

65. *Mr. S. G. Smith.*] Is it not a fact that you have a Dominion organization to-day ?—Yes.

66. And a Dominion award ?—Yes, in effect.

67. The salient features of the award are the same ?—Yes.

68. And you want the power of the law behind it ?—Yes. Take the iron industry : we had a Dominion conference first of all in Wellington between the unions and the employers, and we agreed to certain things. We went back to the towns and started in Auckland, then in turn in Wellington, Christchurch, and Dunedin, asking them to sanction the things we had agreed to round the table in

Wellington, so that we might get the power of the law behind it. Our next step was to go to the Court, and at the finish the award covering the four or five industries in the iron trade will be all the same, and when you read one you read them all—everything will be word for word. There you will have five awards in an industry, all the awards being the same, and yet it takes all that trouble to get it

69 As to the place and method of employment, you are also asking for the power of the law to give effect to something you have had in operation for years ?—Yes. If the words I suggest as to "industrial matters" are allowed, the Court will have power to give us the clause we have had in operation for ten years There is a doubt about it: the Judge has expressed a doubt He said it worked well all over New Zealand; and I am satisfied it worked well, but if it is taken away the whole organization will be broken down

70. *Hon. Sir W. H. Herries.*] If the Court of Appeal decides in your favour it will be all right ? Yes, that is so.

71. *Mr. S. G. Smith.*] Is your organization attached to the Alliance of Labour ?—No.

72. Do you know anything about the Alliance of Labour ?—No.

73. What has been the effect of the Alliance of Labour—industrial trouble, or otherwise ?—Nothing at all. I do not know that it has had any effect: it is only a name. If I send to Auckland for John Brown, and to Wellington for John Smith, and to Christchurch for some one, and to Dunedin for some one, it is an alliance of labour. It is only a matter of talking over a question.

74. *Mr. Howard.*] I do not think this point should be misunderstood. You desire to form one union for the one industry under the Act ?—Yes, under the Act.

75. The "one big union," as generally known for striking purposes, would be outside the Act ? —Yes.

76. And you, believing in the Act, want to counteract that position by getting your union under the Act ?—Yes, that is so.

77. You stand loyally by the Act ?—Yes.

78. *Hon. Sir W. H. Herries.*] The other people could form under the Trades Union Act ?—Yes; but you can do it outside, without any Act at all.

WILLIAM THOMAS YOUNG examined. (No. 4.)

1. *The Chairman.*] What is your position, Mr. Young ?—I am secretary of the Seamen's Union.

2. I understand you wish to tender some evidence in connection with the Bill introduced by Mr. Savage ?—Yes. I have committed my evidence to paper, and with your permission I will read it. I may say that the first portion of it deals with the general principle of the Bill as it affects the seamen, and the second portion deals with the principle as it affects labour generally. It is as follows: The Seamen's Union embodies exclusively a floating membership working in this industrial district to-day and in another district to-morrow, and in that respect is entirely different to any shore union of workers, whose members are always in the district and generally working in the city or town where the union is registered. It is made up of bo'suns, quartermasters, lamp-trimmers, able seamen, ordinary seamen, deck-boys, donkeymen, engine-room storekeepers, greasers, coal-burning firemen, oil-burning firemen, trimmers, wipers in oil-burning vessels, and crews-attendants. These men are employed on all classes of ships, inclusive of sailing-vessels as well as steam and auxiliary, trading in the New Zealand coastal trade, New Zealand–Australian trade, New Zealand–Indian trade, New Zealand–American trade, New Zealand–Canadian trade, and other incidental trades such as to Singapore and other Eastern ports, and the Chatham Islands. These men are employed as well as discharged at all ports of New Zealand. A man may be employed on a ship to-day at Dunedin, in the Otago Industrial District, and in a week's time discharged at Auckland, in the Northern District; he may get re-employment at Auckland in another ship, and may be discharged at Wellington, in that district, in three or four days; he may then get re-employment at Wellington in another ship, and in a day or two be discharged at Lyttelton, in the Canterbury District. Under the industrial agreement between the shipowners and the union a man may be discharged in the port in New Zealand where he signed the current articles, or at Auckland, Onehunga, Wellington, Lyttelton, Port Chalmers, or Dunedin, and he cannot object to accept his discharge at any one of these ports. This is quite different to a shore union—such, say, as the Wellington Tramways Union—whose members are every day constantly employed in this city where the union is registered. Under the existing industrial law an industrial association may be formed of not less than two industrial unions of workers. The seamen have a union at Auckland, in the Northern Industrial District; one at Wellington, in the Wellington District; and one at Dunedin, in the Otago and Southland District; and these three industrial unions have formed an association of workers under the Act; but the seamen have not a union in the Canterbury Marlborough, Nelson, Westland, or Taranaki Districts. Thus seamen have, under the existing state of things, no legal status in any one of these five districts, although they are constantly being engaged, worked, and discharged at the various ports in each of them. It may be pointed out, for example, that a good percentage of members of the Wellington registered union regularly sail out of Auckland in Auckland local vessels, such as those of the Northern Steamship Company, and a fair percentage of Auckland registered-union members regularly sail in Wellington local vessels and Napier local vessels in the Wellington district, and there are a percentage of Dunedin registered-union members regularly sailing in Auckland local ships and Wellington local ships. By existing law a member of the Dunedin Union has no legal status outside the Otago and Southland District; a member of the Wellington Union no legal status outside the Wellington District, and a member of the Auckland Union no legal status outside the Northern Industrial District. Thus a registered industrial union can legally regard a member of a union registered in another district as a non-unionist, and, if it has a preference, bar him legally from getting employment on board ship if it has one of its own members ready and available to take the work, and the member of the union registered in another district could only secure equal legal rights by enrolling in the union of the district where he sought employment. To overcome this as far as possible the three registered unions of seamen have entered into a moral arrangement whereby members of any one of the three unions shall be recognized and treated as

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:—

INDUSTRIAL CONCILIATION AND ARBITRATION AMENDMENT.

AN ACT to amend the Industrial Conciliation and Arbitration Act, 1908.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Industrial Conciliation and Arbitration Amendment Act, 1920, and shall form part of and be read together with the Industrial Conciliation and Arbitration Act, 1908.

2. With respect to the seafaring industry the following provisions shall apply, anything elsewhere in the principal Act or in any amendment thereto to the contrary notwithstanding:—

(*a.*) For the purpose of registration of the seafaring industry under the principal Act the whole of New Zealand shall constitute one industrial district.

(*b*) It shall be lawful for those seamen's unions now registered under the principal Act to form and register one union of seamen with one set of rules, such union to be registered in Wellington and to be known as "The Federated Seamen's Union of New Zealand."

(*c.*) The registration of such union shall be effected in the same manner as other industrial unions are registered in accordance with the provisions of the principal Act.

(*d.*) The said union shall be empowered to form a branch of such union at any seaport in New Zealand, and upon the Registrar being officially notified by the union under its seal and the hand of its president or secretary of the formation of any such branch and the situation thereof he shall issue a certificate to the union that such branch has been duly registered as a branch of the union.

(*e.*) The union shall alone be entitled to commence proceedings before any tribunal constituted under the principal Act or any amendment thereof, or to defend any proceedings before any such tribunal, or to negotiate with any employer or employers concerning any industrial dispute; and any award or agreement made or entered into shall be made between the union and the employer or employers, but no such proceedings shall be taken or negotiations entered into as aforesaid unless there are at least two branches of the union in existence in New Zealand.

(*f.*) Any award made or agreement entered into by the said union having at least two branches as aforesaid shall apply to the seafaring industry over the whole of New Zealand.

(*g.*) The union shall have the power to enforce award or agreement, and a branch, with the approval of the union signified under the seal of the union and the hand of the president or secretary, shall have the like power.

(*h.*) The constitution, functions, and powers of a branch shall be clearly set out in the registered rules of the union.

3. The provisions of the Industrial Conciliation and Arbitration Act, 1908, and its amendments shall, where not inconsistent with or contrary to the foregoing amendments, apply to the seafaring industry.

4. The definition of "industrial union" in section two of the Industrial Conciliation and Arbitration Act, 1908, shall be amended by adding the words "or under any amendment thereof."

The following resolution was unanimously passed at a meeting of the executive council of the Federated Seamen's Union of New Zealand on the 21st August, 1915:—

1. That, in view of the inconvenience caused the organization of seamen, with a floating membership working at all ports in the Dominion, by the present law in having to register a separate industrial union in each district, and subsequently an association to make a Dominion body, the Honourable Minister of Labour be requested to amend the Industrial Conciliation and Arbitration Act so that in the case of the seafaring industry it will be permissible for the workers engaged in any branch of the industry—

(*a.*) To register in New Zealand one industrial union under one code of rules, with the legal power of operation in all parts of the Dominion.

(*b.*) The industrial union so registered to be empowered by law to form a branch of the union at any seaport in the Dominion; and upon the Registrar being notified officially by the union of the formation of a branch he shall issue a certificate to the branch that it is part of the registered union.

(*c.*) The union to have the sole power of moving the machinery of the law respecting an industrial dispute in any part of the Dominion, and any award or industrial agreement or other agreement shall be between the union and employers, the branches to be bound by all the terms and conditions of any such award or agreement.

(*d.*) With the approval of the union, a branch to be empowered to move the machinery of the law to enforce any award or agreement, and the union to possess similar power.

(*e.*) In an industrial dispute by any such registered union with not less than two branches in New Zealand spread over the four main ports—Dunedin, Lyttelton, Wellington, and Auckland—the Arbitration Court to be empowered to make an award to apply over the whole of the Dominion.

Between October and December, 1918, a plebiscite vote was taken of the financial members of each industrial union of seamen as to whether they favoured or not one union of seamen for the Dominion. The result of this was an overwhelming majority in favour of the one union, seven to one voting for that course in a total vote of over one thousand. Thus it will be noted that the men directly concerned have expressed their opinion in favour of the proposal. Since the resolution of 1915 the seamen's executive council, as representing the three industrial unions, has considered the question each year, and made certain representations of a less or greater nature to the Minister by deputation and through correspondence, but owing to the war it was impossible to do anything in the nature of new legislation along these lines. In September of last year the matter was again considered at the annual meeting of the council, and this resolution was unanimously adopted: "That, members having decided by a large majority in its favour, the council be urged to again approach the Government for an alteration of the law to allow seamen to form and register one union in New Zealand." The same month the then Minister of Labour was asked to receive a deputation of the council to place the matter before him, but this did not eventuate, and nothing was done till the 29th May last, when the matter was brought under the notice of Sir William Herries by letter, with the request that the law be altered this session. In acknowledging receipt on the 31st the Minister stated that the representations were noted, and advised that he was requesting to be supplied with a report on the matter; and on the 12th June a copy of a proposed Bill was forwarded him. In a letter dated the 17th the Minister stated that when an amendment of the Act was being prepared the question submitted would be considered. In September, 1916, three representatives of New Zealand seamen attended a conference of seamen's representatives at Melbourne, at which the whole question of the mercantile marine and industrial arbitration law as applying to seamen was discussed, and on the motion of Senator Guthrie (general president of the Australian Federated Seamen), and seconded by myself, the following resolution was unanimously come to:—

The New Zealand representatives discussed with the Council the variations of the laws of the Commonwealth and Dominion with regard to navigation and arbitration, and it was found that there was no satisfactory solution of bringing about consolidation at present, although every member of the conference expressed the desire for its consummation, and places on record its determination to work to obtain this object in the future; but for the present the conference will go as far as possible towards uniformity in internal matters, and also work together for the purpose of having uniform wages and working-conditions; and that an early opportunity be taken of approaching

the Prime Minister of the Commonwealth requesting him to communicate with the New Zealand Government with the object of bringing about an agreement which will result in, at any rate, an alteration of the laws to permit of one organization of seamen in Australasia, so as to ensure smooth working of arbitration and navigation laws in vessels operating in Australasian trades.

On the 27th November, 1916, representatives of the Federated Seamen's Union of New Zealand interviewed the Acting Minister of Labour (Mr. Herries) and placed before him the foregoing resolution, he stating that he would put the matter before the Government, at the same time intimating that the Government would consider any proposal of the Commonwealth Government along the lines of the resolution, as his Government desired to work as far as possible with that Government, and suggested that in order to have the matter in front of him the deputation might place it in writing. In accordance with the request of the Minister on the 6th January, 1917, we placed before the Minister in writing the two following proposals, at the same time putting forward argument in support of each :—

1. Respecting the mercantile marine industry, that the law be amended to permit of the organized seamen of New Zealand registering under the Act one industrial union for the Dominion, with power to file an industrial agreement or award operative and enforceable throughout the whole of New Zealand, instead of, as at present, having to register a separate union in each industrial district in which it is desired to carry on operations under the Act, and also having to file in each district where a union is registered a separate industrial agreement or award, which is operative and enforceable in the district only in which it is filed.
2. That the law be further amended to permit of the organized seamen of New Zealand being part of an Australasian union of seamen with legal power to obtain uniformity of conditions in Australasia on board all ships operating Australasian trade.

In acknowledging receipt on the 8th January the Minister stated the representations would receive careful consideration. We have had no intimation since, and I am thus unable to say what further action, if any, was taken by the Minister. Coming to the Bill referred to the Committee by the House, I am compelled on general principle to emphatically oppose that portion of it proposing to give a Conciliation Commissioner a determining vote as between the conflicting parties as being contrary to the best interest in the settlement of disputes by Commissioners. The Bill proposes to invest a Commissioner with the power of settling a point in dispute irrespective of the views of the parties. Thus the Commissioner ceases to be a conciliator and becomes an arbitrator—an altogether impossible and invidious position, and not in harmony with the designation of his office. Therefore it is strongly urged that the law on this point be allowed to remain as at present. The fundamental object of a Council of Conciliation is to induce the opposing parties to mutually settle their differences in a friendly spirit, recognizing that should they fail to adjust points in dispute either party may appeal to the higher industrial tribunal. Where workers and employers fail to agree on any given issue the dissatisfied party may refer the point to the Court of Arbitration for adjustment, and nothing is operative in the dispute until that point is settled. Exactly the same procedure would be permissible were the Commissioner to exercise a vote on any disputed point; therefore the exercise of the proposed vote is not only of no practical determining value, but the exercise of it leaves the Commissioner invested with a shade of suspicion by the dissatisfied party—throws open the door of corruptive allegation, besides removing from him the impartial influence of a conciliator. The proposal is very highly dangerous from all viewpoints, besides being ineffective and quite useless as a medium towards the settlement of disputes. I strongly oppose it, and hope the Committee will throw it out the back door as belonging to the family of fad industrial reptiles. The main principle of the Bill is that proposing to amend the law to permit of one union in industry in the Dominion and one Dominion award or agreement. In supporting this, it seems to me that it would be much more convenient, easier, and cheaper, and a saving of much time of the Industrial Court, if this proposal were given effect to, but at the same time preserving the rights of existing local unions, so that no union be forced into the one union until a majority plebiscite vote of its members have decided in favour of such course, and so that the existing rights of a local industrial union in respect to disputes, awards, agreements, and other matters shall be preserved until it resolves, as suggested, to link up with the one union, whereupon any award or agreement between the union and employers shall legally and automatically be transferred to the one union and the same employers. In the case of the waterfront industry there are no less than eighteen separate industrial unions, four being in the Auckland District (Auckland, Onehunga, Tauranga, and Gisborne); three in the Wellington District (Wellington, Wanganui, and Napier); two in the Westland District (Greymouth and Westport); and three in the Southland District (Dunedin, Port Chalmers, and the Bluff). In the painting industry there are twelve separate unions, of which three are in the Wellington District, two in the Canterbury and three in the Otago and Southland District. There are six industrial unions in the tailoring industry, five in the grocery trade, and eight in the tramways, of which three are in the Wellington District and two in the Otago and Southland. In the five industries named there are no less than forty-nine industrial unions, each possessing power to invoke the machinery of the law in a dispute or other application and secure an award from the Court. This means that for the purposes of the present law and the forty-nine unions the Industrial Court could be legally required to sit in judgment in forty-nine distinct industrial disputes, at a great occupation of time and expense to the State; whereas with one union in industry the forty-nine could be comfortably narrowed down to five disputes. There appears to be no rhyme or reason for the Industrial Court to hear a waterfront dispute at Auckland and then take tram to Onehunga and hear another similar dispute, when the Court might very conveniently to all interested sit in Auckland and hear one dispute in respect to waterside workers at Auckland, Onehunga, and Tauranga; and with equal convenience it could sit in Wellington and hear the dispute in respect to waterfront work at Wellington, Wanganui, Napier and Gisborne without having to go to each one of these places to sit in judgment on what is just about the same evidence. Identically the same could be done respecting the tramways industry at Wellington, Wanganui, Napier, and Gisborne. There appears to me to be no particular need for the Industrial Court to sit on each job to determine a dispute of national character, because if the representatives of waterside workers and their employers, or those of the seamen and their employers, or those of the miners and their employers, or those of the railwaymen and their employers, can meet in Wellington and discuss and settle their dispute in a few days without sitting at each place where a union is registered, exactly the same thing can be done by all industries under the jurisdiction of

the Court. It is submitted that if this were done a great saving of time would be accomplished; the hearing of disputes would be attended to with more promptitude; much more patience would be used in the hearing of them, and much in the shape of expense to the State would be saved. The existing system under the Act is altogether too cumbersome to conveniently meet the number of unions now in the Dominion. It was excellent when the measure was first passed in 1895, when the unions were about a fourth of those of to-day, but it has had its day—twenty-five years—and the time is now ripe for a change along the lines proposed in the Bill. For these reasons I support the proposal for one union in industry and a Dominion award or agreement for the industry.

3. *The Chairman.*] Have you any further remarks to make other than those contained in the document you have read out?—I just want to emphasize, Mr. Chairman, the points pertaining to those districts where there is no seamen's union registered. For instance, in the case of the Westland District, it incorporates the ports of Hokitika, Greymouth, and Westport. We have no seamen's union in that district, for the reason that we have no members resident in that district—that is to say, not more than about two or three—and it would be impossible to form a union there and successfully carry on its work with duly elected officers when there would be no members to attend meetings. The Taranaki District incorporates the ports of New Plymouth and Patea.

4. *Mr. S. G. Smith.*] And Waitara?—I do not consider Waitara a port. We have no union in that district, and identically the same applies to those districts, except Lyttelton, where no union is registered. At the same time, our members are working at those ports ever day of the week. At this stage I should like to mention that we have not a seamen's union in the Nelson District, for the reasons advanced. There are several employers in that district—for instance, there is the Hokitika Shipping Company, the Anchor Shipping Company, the Rickards Bros. Company (which has a small vessel trading in one of the bays), and there is what is known as the Golden Bay Shipping Company. Now, sir, the position is that if any of these employers committed a breach of the award or of the agreement we could not successfully prosecute them, for the reason that we have no registered union there. While that is so and, as I have already intimated, men are every day in the week and every week in the year employed in those districts performing work, we ask the Committee to look on our case from that point of view. We are actually working in conjunction with the Australian shipping, and we want to have one union for the seamen of Australasia, because the two countries are bumping up against one another. We are both working under a code of maritime law and of industrial law entirely distinct. Ships are coming to various ports in New Zealand which are owned in Australia, and they are working under the maritime law and under the awards of the Court in that country. They are in open competition with the ships that are owned and working under the law of this country, and they are continually bumping up against one another. I consider the day has arrived when the Governments of the respective countries should consider the advisability of bringing in uniform shipping legislation as between the two countries as well as in regard to industrial arbitration legislation. I do not think I have anything further to say at the present time.

5. *The Chairman.*] I wish to say, Mr. Young, that this Committee appreciates the action adopted by you in submitting your remarks in typewritten form. There are one or two questions I should like to ask you before going any further. In the event of the Bill of which you are desirous becoming law, would the Seamen's Union abide by the amendment of the Conciliation and Arbitration Act?—We are abiding by it. I hope you are not guided by the foolish remarks which appeared in the newspaper the other day.

6. Would there be full respect for the law?—Most decidedly, just the same as any other organization. The seamen are registered under the law. When a dispute arises and we desire to obtain a new set of working-conditions we formulate the conditions and they are submitted to the employers, and they are asked to meet us in conference for the purpose of discussing the matters in dispute. We meet in conference—the same as we have done since 1908—and I may say we have always been successful in fixing up a new agreement between us. If the parties concerned could not come to that mutual agreement, sir, then there is only the one resort, and we would have to utilize the machinery of the law in order to obtain a settlement of the dispute.

7. Is that held as general amongst the seamen of New Zealand?—Yes. Some nonsensical remarks were made by Mr. Kennedy before the Arbitration Court the other day in the case of the stewards' dispute. I do not think he was entitled to introduce the seamen's organization in the course of his remarks, because it left a very strong inference that our organization resorted to a form of strike if a settlement of our disputes was not arrived at. I want to give that statement a most emphatic denial, and to say that the seamen of this country have not struck for improved conditions since the year 1890. All their conditions have been obtained through the medium of the Arbitration Court, and it was one of the first organizations to register under the law when it was passed in the year 1895.

8. If you obtain the powers you are asking for under the Bill, would not disturbances in one part of the country hang up the industry in other parts?—No, sir. The national organization would be the finest guard you could get against that.

9. As soon as disturbances occurred in one centre, would it not hold up the work in other centres? Not at all. The work could, however, be held up more effectively under the present system than it could if the seamen had one union: for example, the Auckland or Dunedin Union might declare a dispute such as that suggested by you, and as they have the legal power they could, without taking into account the national body, go ahead.

10. By giving effect to this legislation you are asking for, would it prevent a repetition of what took place in Wanganui recently?—The one union could give us 100 per cent. more power to stop a thing of that character—that is, 100 per cent. more power than we have at the present time; and that applies with respect to all unions.

11. I presume you are not contending for a consolidation between New Zealand and Australia in this Bill of yours: you are merely throwing that out as a suggestion?—Yes.

12. You think it would be better if they were consolidated?—Yes.

13. *Hon. Sir W. H. Herries.*] Did not the Auckland branch hold out a very long time?—The Auckland branch has done a great many things. What I want to say is that this was a national vote taken by the executive council of all the financial members. Auckland voted along with the financial members of Dunedin and Wellington, and out of a total voting-power of over a thousand only 141 voted against the proposal for one union.

14. All over the Dominion ?—Yes, all over the Dominion—not especially in Auckland ; and since then Auckland has on various occasions urged the formation of one union of seamen.

15. The formation of one union with different branches ?—Of course. If we had the one union there would be the one executive, and there would be the one fund for the union.

16. There appears to be two different proposals. First there is the proposal for a Dominion award, and then there is the proposal for a Dominion union. It is not proposed to have a Dominion award without a Dominion union ?—No.

17. It is not chiefly the matter of the Dominion award ?—No ; we mostly want the union.

18. Supposing you had a Dominion union : that would mean that all the power would be concentrated in Wellington ?—No ; the governing body would be an executive council consisting of representatives of each branch, including Auckland, and there you have equal powers.

19. Supposing industrial trouble arises, would that body be able to deal with it ?—It would always be glad to do what it could. We are always glad now to do what we can to avoid industrial trouble, and would be glad to do so in the future.

20. But if you give so much power to the executive they might order a strike, whereas now, when they are separate, the Auckland people might, for instance, not agree to strike ?—Yes. Well, I do not think that would make very much difference, if any. It is true that the executive may have the power to declare this, that, and the next thing, but at the present moment we have equal powers.

21. For instance, to order racehorses not to be carried ?—Our executive did not discuss racehorses.

22. Then, who sent the order ?—I do not know.

23. Your executive did not ?—No. I say that the matter of racehorses was not considered by the Seamen's Union or by the executive.

24. Under whose instructions were the seamen acting, then ?—I am afraid I am unable to say. It seems to me that if we had one union we would be more able to avoid industrial trouble. I can tell you what our executive did do : When the miners wanted to stop bunker coal for the transports during the war our executive prevented it.

25. You have expressed an opinion that amalgamation should be made with the seamen in Australia ?—I only just suggested that. I am not putting that forward now.

26. Not now, but this is the first step ?—Not necessarily so at all. The position is that at the present time Australian seamen leave ships in this country and transfer to our books of the union. They sail on this coast for a month or two, and then go back to Australia and transfer back again. If there was only one union of seamen in Australasia all that would be altered.

27. Is there one union in the Commonwealth, or is there a union for each State ?—They are on exactly the same basis over there at present as we are here, with this difference : that what we call an industrial union here is deemed a branch in Australia. There is a branch in Brisbane, another one in Sydney, one in Melbourne, one in Port Adelaide, and I believe it has been decided to establish one in Newcastle and one in Fremantle. These branches make up the Federated Seamen's Union of Australia, and the executive represents all the branches. We have not got that here. The association is quite valueless to us, and, as far as I can see, wholly valueless to any of the other unions. I think it would be much better for everybody concerned to have one union. My opinion is that the whole of this arbitration legislation wants revising. The constitution of the Arbitration Court itself is not satisfactory.

28. Do you agree with the suggestion of one big union ?—If the one big union proposes to take in all the men of all the industries into one union, then I do not support it, because it would not work. It would collapse : it would be too cumbersome: It could not be worked.

29. As far as you are concerned you want to keep your own union to yourself ?—We want to mind our own little business as far as we possibly can.

30. But at present you are affiliated to the transport workers ?—Well, we cannot very well avoid that ; and it is quite possible that if there had been such an organization in existence in 1913 the strike which occurred in 1913 would not have taken place.

31. Supposing you were affiliated with Australia : would that mean that if there was a strike in any part of Australia you would be dragged into it ?—Not necessarily so. If we had, say, an Australasian union we would have an Australasian executive council, and New Zealand would of course be represented on that council. I think, myself, that some strike measure would have to be taken to safeguard that position. We might have been involved a little while ago in the Australian strike, perhaps. Strong efforts were made here to involve us, and we had to use a terrible lot of reason to resist it. That was last year.

32. If you are amalgamated with them it would be worse ?—Oh, no, not at all. We mostly want the union in order to benefit the seamen's occupation, not to create strikes. We are looking for peace, not strikes.

33. *Mr. Howard.*] There seems to be a general idea that the formation of one union is in order to create trouble. With your long experience of the labour movement do you not think that such a union would stand by the spirit of the Act : that is to say, it would do all it could to prevent industrial trouble rather than create it ?—Yes, I believe that is a fundamental point in connection with the whole business. At the present time, for instance, the waterside workers, say, at the Bluff, might get into some trouble, and strike without consulting anybody else. The first thing you know is that there is a strike, and then the flame flashes right up the coast, and the whole of the waterside workers are on strike before you know where you are. With a national organization that could not take place.

34. The one union would not allow a strike to take place until that one union had decided upon it ?—Exactly. The same thing took place in 1913. A little bit of a "picaninny" union caused a national strike through the medium of sympathy.

35. A large number of people seem to believe that this Act might be used for the purposes of what is known as the "one big union" : do you believe that that is so ?—I do not believe that the one big union would be workable.

36. *Mr. S. G. Smith.*] I would like to ask Mr. Young whether he considers it would be a good thing to give the Conciliation Commissioner a vote. Is that wish general ?—I could not answer that question one way or the other, but I do not think it has ever been considered by labour generally.

I am not representing labour generally: I am merely representing the seamen. So far as the seamen are concerned I may say that we never considered it until we saw it in the Bill. As a general principle, however, I may say that I am satisfied that the proposition is entirely a wrong one. You should keep the Commissioner in the position of a conciliator, and not force him into the position of an arbitrator.

37. *Mr. Potter.*] You have held various conferences at Wellington between the Seamen's Union, have you not?—Yes.

38. Was it ever suggested that you should have a membership card when going from one port to another—that is, they should be legal members of the union and be admitted into that union. Supposing a member of the Wellington Union left and went to Auckland, was it ever suggested in your union that his financial card should be recognized in the Auckland Seamen's Union?—Morally.

39. But is he legally entitled—what is the position to-day?—I have dealt with that point. Legally it is not the case.

40. Was it ever discussed that a man who was a member of the Wellington Union, and who disembarked in Auckland, should be admitted to the Auckland Seamen's Union on the financial Wellington card?—It has been discussed.

41. And what is the reason of it not being carried into effect?—Up to probably 1914, when such a man, for example, went from the Wellington Union to the Auckland Union, he transferred his book of membership to the Auckland Union; but in order to meet our own finances along the lines of one union we decided to abolish that system, and since then if a man goes from Wellington he retains his Wellington book as well as his Wellington membership card and is allowed to perform work there.

42. You would allow him the moral privilege but not legally?—No, we can only get that legally in the event of there being one union.

43. You can do it this way: if a Wellington seaman who was a financial member landed at Auckland he could be accepted as a member on his Wellington financial card?—Yes, of course.

44. If there was such an interchange of men, say, from Auckland to Dunedin, it would not make for the finances in the various towns?—I am not dealing with the question of finance at all.

45. I just wondered why you did it?—Your questions appear to me to be mostly along the lines of internal government. What we want is the one union—that is to say, where a man will be recognized in all the different parts of the Dominion as a member of that union. Nobody will be able to dispute that.

46. You were over in Australia some time ago, were you not?—Yes, in 1916.

47. Australia is agreeable to one agreement existing between New Zealand and Australia?—Yes, Australia is agreeable to one Australian union. We cannot get that owing to the nature of our laws. We cannot get it, and therefore we have to remain separate organizations. There is a moral working understanding between us in regard to membership.

48. *The Chairman.*] In the event of Parliament making a movement in the direction indicated by you, there can be nothing more inserted in the Abritration Act that would make it compulsory for your union, or, for that matter, any other union, to abide by the decision of the Court in that determination of the award?—Personally, I have favoured their incorporation by law. It would be unwise, recognizing that the employers at the present time have the right to bring workers before the industrial union by application. I do not think we should go to that extent by force. I do not think so. No matter what you may do, men will strike irrespective of the law. That has been demonstrated on many occasions.

49. *Mr. J. S. Dickson.*] Very many?—Yes, many.

50. *The Chairman.*] The Labour Disputes and Investigations Act is a temporary Act, and this is merely a temporary Act too. Some of the unions are forgetting that, and they are making use of the Disputes Act. Is there any necessity to have two Acts running side by side, as it were?—We never use the Industrial Disputes Act—it is of no value for practical purposes. That was demonstrated in the jockeys' dispute. The parties concerned took up their papers and walked out.

51. Would it not be better to repeal that Act and strengthen the Industrial Conciliation and Arbitration Act?—I think it would be better if the Arbitration Act were strengthened.

52. *Hon. Sir W. H. Herries.*] Do you not know of any settlements arrived at under the Industrial Disputes Act?—Yes; and exactly the same thing can be accomplished under the Arbitration Act.

A. PARLANE examined. (No. 5.)

1. *The Chairman.*] What is your position?—I am representing the New Zealand Drivers' Federation, consisting of the following unions: Auckland, Gisborne, Napier, Wanganui, Wellington, Nelson, Canterbury, Otago, and Invercargill—although the latter is a very small union, and at the present time negotiations are proceeding with a view to amalgamating with the Otago Union. The Drivers' Federation really consists of nine drivers' unions. I may say that I am here to support the principle of this Act, which provides for one Dominion union. The reason why we support it is because it is in the interests of efficiency, and for the quick manner in which disputes will be settled. For the benefit of the Committee I will state briefly the difficulties experienced by the various drivers' unions in arriving at a settlement of their disputes. Previous to 1916 we were working under a number of awards which Mr. Justice Sim described as being in effect a Dominion award. Towards the latter end of 1915 these awards expired and the various unions opened up negotiations for fresh awards. Mr. Craig, of Auckland, on behalf of the employers, and myself travelled right throughout New Zealand and met the Conciliation Commissioner in every centre, and I do not think that any of the proceedings lasted ten minutes. The representative on behalf of the employers said, "We can accept nothing but the old agreement"; and I said, "We cannot accept that." The consequence was the cases went before the Abritration Court, and sittings had to be held in every centre. The award was made in November, 1916, so it was practically twelve months before the disputes were fixed up. I submit that if we had a Dominion union it would be better for all parties concerned and better for the Government. In the year 1918 we endeavoured to improve things a little and

made an effort to get our new agreement fixed up, without the delay that occurred in 1916. We had a conference in Auckland, presided over by Mr. Harle Giles, Conciliation Commissioner, and it was agreed there that whatever was decided upon would be binding on the rest of New Zealand. The organized employers of drivers throughout the Dominion were represented on that conference, and the organized workers in the driving industry throughout the Dominion were also represented. In spite of the fact that we came to an agreement in Auckland, still conciliation proceedings had to be held in every centre, and ultimately they had to go before the Arbitration Court in the various centres, and months and months elapsed before an award was made. An unsatisfactory feature about these proceedings was that it was about six months later before the Court sat in Napier to make the award. While we had agreed that it should come into operation on the 1st March, 1918, in Napier only the wages were made retrospective to that date. There was another matter which was put into this new agreement. For the first time provision was made for overtime for horse attendance, and this payment for horse attendance was not made retrospective. If we had had one union the whole of that would have been got over, and the new award would have come into operation and would have been legally binding all over New Zealand at the same time, and no section would suffer. Also, with respect to bonuses under the War Legislation and Statute Law Amendment Acts, awards in connection with this matter were made some months ago, but the Court takes about six months to get through New Zealand. An announcement was made some months ago that there would be a bonus of 6s., yet the Court only sat in Wellington the other day and took our application. The order has not yet been made, and it will be very hard to get a great many of the employers to pay that 6s. back to the 1st May. All the leading employers will do it, but there are such a large number of employers in connection with the Drivers' Union. I feel sure that a large number of the workers will be deprived of their retrospective pay. So for these reasons we are strongly in favour of one union for the Dominion. That is all I have to say.

2. Do you not think there would be a claim amongst your union, provided you were consolidated, for a differentiation in the amount of the award ?—Well, that might be so. There is no differentiation at present, but it may be necessary. Even under a Dominion union it may be necessary. The cost of living is so very much dearer in this centre than in the others. Special conditions in particular centres could be overcome in a Dominion award. For instance, the watersiders have for several years past had a Dominion conference, and have fixed up a Dominion agreement. This Dominion agreement provides for special conditions for certain ports—tidal ports and such like. Provisions are made to suit the special requirements of that particular port. If it is necessary, and there are any special conditions existing in any one place, provision can be made for differentiation, even though we have a Dominion union. There would be no difficulty about that.

3. You are quite sure in your own mind that it would be an advantage, Mr. Parlane ? You will remember that recently an attempt was made to bring the tramways men together, and that it did not break down from the employers' side, but that it broke down from the tramwaymen's side ?—That might be a matter of organization in the Tramway Union. If they had one union of tramwaymen right throughout New Zealand the central executive would have full governing-powers, and a Dominion agreement would be fixed up. The very fact of having so many separate unions may have led to the negotiations breaking down.

4. I think it is recognized generally that, so far as Wellington is concerned, it is a dearer place to live in than the other centres. Do you not think there is a danger that, if you have one union and have a better rate in Wellington than in the other centres, it would cause a feeling of dissatisfaction right throughout the other centres ?—That might be so, but that would not be affected by the one union. That can take place now, and is more likely to take place under a number of separate unions than it would under one union.

5. *Hon. Sir W. H. Herries.*] Is there not power under the 1911 Act to make a Dominion award now ?—I believe there was an amendment made with that intention. The Drivers' Federation tried to work under that Act in 1912, but our application was thrown out. Another union in exactly the same position as we were made an application for a Dominion award under that Act, but judgment was given to the effect that the Act was abortive so far as they were concerned, and that a Dominion award could not be granted to them under that Act. Therefore our application was thrown out. I believe a Dominion award can only be granted under that Act when there is a Dominion organization of employers and a Dominion organization of workers. The employers must be agreeable. We cannot force the employers to agree to a Dominion award. Although we have a Dominion federation of our own we cannot make the employers have a Dominion federation, and that being the case the Act is, of course, quite valueless to us.

6. Have not the Miners' Federation a Dominion award ?—Yes, the miners have a Dominion award, but they are in a different position to the drivers. The drivers are working for a very large number of employers. With the drivers' unions there are almost as many employers as there are workers. In Wellington there are over 360 employers, and a number of these are very small employers. Without an agreement being legally binding it is very hard to force the whole of the employers to observe the conditions of the agreement. Therefore we prefer to come to our agreements through negotiations with the employers, and after these negotiations have taken place and an agreement has been come to we get that agreement made into an award. The whole procedure at present under the Conciliation and Arbitration legislation is altogether too cumbersome, and is most costly to the Government and most costly to the unions. The present means of settling disputes from the Dominion point of view is absolutely farcical, and I believe that by making provision for a Dominion union a very great improvement would be effected. It would also be an advantage in connection with increased efficiency in the internal management of the union.

7. *Mr. Potter.*] There is just one matter I would like to mention. You stated in reply to a question by Mr. Luke that probably the tramway dispute would have been settled if they had had one union right throughout New Zealand. Do you believe that, with this one union, the executive would have all the real power, and not the individual unions ?—The position is this : The individual members have to elect the executive, and then, before any agreement can be entered into, it has to be ratified by the members. The executive would have a very great bearing on the government of

the union, and if the executive proposed entering into an agreement, and that agreement was referred to the members for ratification, I feel sure that it would be ratified by the whole of the Dominion.

8. Would a Dominion award satisfy you?—A Dominion award would be certainly better than what we have at present, but for efficiency in the internal working of our organization we stand for a Dominion union.

9. Pooling all funds?—That is a matter for the union to decide. In my opinion, the pooling of funds is the best, but that is only my individual opinion.

WILLIAM PRYOR examined. (No. 6.)

1. *The Chairman.*] Your full name, Mr. Pryor?—My full name is William Pryor. I am secretary of the New Zealand Employers' Federation. I have been asked by the federation to attend this Committee and give evidence on this Bill on behalf of the employers of labour of New Zealand—at any rate, on behalf of the federation. So far as clause 2 of the Bill is concerned, about the only thing we can see in it is that it is preliminary to the formation of one big union. By the means proposed Dominion unions could be registered under the Act, which would only be another step to the federation of those unions. Another result would be that it would certainly place more power in the hands of the extremists. If there is one thing more than another contained in this Bill it is that authorization shall be granted the Dominion executive to discipline the district unions and the individual workers. I believe you will find that some of the labour people themselves admit that this is so. And it would prevent local unions from entering into agreements with employers in their own districts. The proposal would also permit a Dominion executive of any organization to take action in one centre to secure an award for the whole Dominion, with the result that an award might be made without local conditions being fully considered. Now, while it may be desirable that there should be a Dominion award, so far as the general principles covering a particular industry are concerned, it is always found that local conditions must be considered, and in order to secure that being done it is essential that citations should be issued in the several districts, even if a Dominion award is being sought. We have found that out in our experience already. There is nothing whatever to prevent any organization from organizing on a Dominion basis at the present time. There is a provision in the Arbitration Act at the present moment which permits that to be done, although not in the way suggested here. Clause 4 of the 1911 Amendment Act provides that where there are two or more industrial unions registered under the Act, and they form an industrial association, an industrial association of that sort can make application for a Dominion award. I know there has been some difficulty in connection with that matter—largely, I believe, owing to the regulations which were issued; but it is only a matter of an alteration of the regulations, if they have not already been altered. I rather fancy they have been altered. It is only a matter of altering the regulations to gain what is desired. Our impression, however, is that it is not a Dominion award that is desired. We believe that this is all just a means to the end of the "one big union." Indeed, it is quite possible for trade organizations to federate throughout the Dominion even now without this legislation, and as a matter of fact a large number of trades are federated. You have the seamen, the waterside workers, the drivers, the tramwaymen, the engineers, the engine-drivers, the timber-workers, and there are others I cannot remember at the moment. The freezing-works employees are also federated. There are quite a number of them. I may say, however, that Dominion agreements have not been altogether satisfactory, or the attempts to secure Dominion agreements. Within my own knowledge, for instance, there is the case of the recent agreement made with the miners. Attempts were made to settle everything at the Dominion conference, but this was found to be absolutely impossible. There were local conditions—not only district conditions, but local mining conditions—which had to be settled, and the result was that, after providing for general principles at the national conference, the whole of the matters had to be referred to the different mines and industrial agreements arranged for the requirements of the different mines. That procedure will have to be carried out in any case. Even supposing that the promoters of this Bill were honest, and even supposing they had a right to secure what they ask for—to cite the employers of the Dominion, say, from Auckland to the Bluff—they would still have to have sittings of the Court or Conciliation Councils in the different centres. The Court would have to visit each district in order to ascertain what the local conditions are that would not otherwise be provided for in the award. In connection with the drivers we had the union conferences, and both parties agreed to whatever was decided upon should apply to the whole Dominion, and it was found that, even with the greatest care and good feeling between the parties, local conditions had to be considered. The great desire was to have an amicable settlement—there was no friction in that way—and still local conditions had to be provided for. That procedure was found to be a mistake even there, and that was in connection with a conference held under the very best of conditions. It was necessary to provide for local conditions even there, and it proved to be a mistake afterwards that we had attempted to settle an award for the whole of the Dominion. So that from that point of view, even if there is an honest desire to take advantage of the provisions of the Arbitration Act to get a Dominion award in this way, it is not going to save expense, if that is one of the reasons put forward. And it is not going to save trouble, and in my opinion it is not going to expedite the working of an award in any shape or form. We believe that if this is made legal that it will result practically in the elimination of local unions. We believe that this Bill is put forward with the idea of securing control from Wellington over a certain industry, so that whatever the controlling people may say it will have to be done. We find this to be the case to some extent in connection with some of the industrial unions to-day. In the mining industry, in the waterside workers' industry, and, I believe, to some extent in connection with seamen, who have got their Dominion federations, orders appear to be practically issued from the head office not from the local body—but practically issued from the head office to the local bodies, and it is in the head office where the policy is formulated. Clause 3 is just a consequential clause rendered necessary in case clause 2 is adopted. Clause 4 proposes to amend section 16 of the 1908 Amendment Act by striking out all the words after the word "prescribed." This will have the effect

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

after he has adjourned the case he probably calls up the representatives of each side, or he goes to see them, and has a talk with them, and finds out just how far he can get them into a condition of mind so that when they again meet they are inclined to come to a settlement. I venture to say that the majority of the conciliation cases are settled in that way, and they could not possibly be settled in that manner in a week, as suggested by this Bill. According to the Bill the Conciliation Commissioner has to put in his recommendation to the Clerk of Awards before he can have a proper opportunity of settling the matters in dispute. Now, I suggest that it is desirable to promote settlement by conciliation as far as we possibly can, and that anything that would prevent that would be a very great mistake. I have no hesitation in saying that if the promoters of the Bill desire to kill conciliation under the Arbitration Act they could not have gone a better way about it than they have in connection with the proposals made in clauses 5 an 6 of this Bill. Section 7 proposes an extension of time within which a claim for wages may be made. Short payment of wages under an award is due usually to one or two things—either there is collusion between the employer and the worker, or there is misrepresentation on the part of the worker. The worker may go to the employer, and they may have a talk over things, and the employer may say, "I have so much work for you to do, and I will give you so-much," and the worker may agree. I want the Committee to understand that the Employers' Federation does not support the employer who is not prepared to pay the standard award wages in any shape or form. To do that would mean that we are not standing for the award at all. But this is a different matter. Then, with regard to misrepresentation on the part of the worker, this may be in connection with his age or with his years of experience. There was a case only the other week where a worker went in and told an employer that he had been four years at the trade. The employer engaged him, but after he had worked a little time—about three months—he proved unsatisfactory and was dismissed, and when he was dismissed he complained to the Labour Department that he was a five-years man. The employer was brought up before the Court and was fined £1 and costs because he took this man's word. What we claim is that in nine cases out of ten the worker is equally guilty with the employer, or perhaps more guilty than the employer, and when he leaves his employer he complains that he has been short-paid. He then takes action; and surely it is a fair thing to ask that he should take action within three months. The longer he can get, the more opportunity he has for getting at the employer, perhaps after some essential witness has left the district. This Bill would extend the period to six months. There can be only one reason for this extension, and that is the reason I have stated. Surely it is a fair proposition that, if the worker has been short-paid, he should make his claim within three months. So far as the payment to the Consolidated Fund is concerned—where there is wilful collusion between an employer and a worker, and the worker has evidently accepted a short payment—we are quite agreeable to that proviso: that he should not benefit, and that the money should go into the Consolidated Fund; so that there is one thing in the Bill which we agree with.

2. *The Chairman.*] You have taken up a negative attitude towards the Bill: can you suggest any amendment that ought to be brought into operation in connection with the Industrial Arbitration Amendment Act that would make for a more speedy settlement of disputes?—I do not think you could have more speedy settlements than you have now. I have had considerable experience in connection with industrial disputes, and I have found that to hurry up matters of this description brings about disaster. As a matter of fact we have just settled a dispute—although we have still to sign the agreement arrived at—which has been going on since April last. I may say that this dispute was not heard under the Arbitration Act, and it is merely a local matter. In my opinion it would have been disastrous if an attempt had been made to force us to settle the dispute before now. At the finish we had to obtain the services of Mr. Hally and appointed him to the position of arbitrator in order to settle some of the points in dispute.

3. The Dominion conference that was held in Auckland was for the purpose of arriving at a Dominion award, was it not?—Yes.

4. Was it possible to give effect to the decisions without taking into consideration the local conditions?—No, sir. We found afterwards there were several local things that were not provided for, and a certain amount of harm has been done in consequence.

5. You think that one union for each industry would not obviate the difficulty, and you say it would not be to the advance of the community?—I do not think it would save one bit of the trouble, and I am inclined to think it would bring about more trouble.

6. Owing to the nature of the seamen's calling, do you consider it is necessary that they should have one union?—The Seamen's Union is in a different position to any other union, because the seamen themselves are not all located in one place, and they are what one may term a movable community. In the case of the Dominion conference it has perhaps proved more successful than any other industry I know of, but there are not the varying conditions there as in other places.

7. In connection with the conditions with respect to the ships—the local conditions do not come into question the same as they do in other industries?—They have their own federation and they are under the control of their head office.

8. They contend that if they had one federation they would "gather in" small ports like Wanganui. Do you think this amendment would be objected to so far as the seamen are concerned?—I do not think it would be considered. There is no need for it even in the seamen's case.

9. The seamen have not association and no actual means of communication unless they have one big union?—They can have local unions to-day without this Bill, just as they have had in the past. In connection with legislation of this sort it only means bringing about one federation in New Zealand, and the next thing will be one Australasian union. That is the scheme.

10. You think it is the amalgamation of the Commonwealth that is aimed at?—I am sure of that.

11. *Hon. Sir W. H. Herries.*] Do you think that the general run of the unions that you have been dealing with wish to have the different branches amalgamated and have one big union?—I would be very surprised to find that it is the desire of the unions generally, and I think you will find that a number have not asked for it. Those trades that are right out for organization of this description are already organized.

12. Would it not tend to throw considerably more power into the hands of the one organization ?—Yes. One of the reasons the promoters of this Bill have in mind is that they could discipline the workers and regulate the local condition of work from the head office—say, in Wellington. That is unthinkable.

13. Any legislation giving Dominion unions would be a step in the direction of one big union, would it not ?—Yes, sir, and in addition would not help to expedite settlement of awards at all. I do not think the promoters had that in view at all.

14. *Mr. McLeod.*] Is it not the tendency to-day amongst the employers to secure unanimity amongst their unions ? The feeling throughout the country is against labour ?—Not against labour.

15. Then perhaps against the movers of labour. I think you will admit as a representative of the Employers' Federation that all the facilities that are being asked by the labour representatives under this Bill are open to them now by another course ?—Absolutely.

16. Would it not be better from the employers' point of view and from the point of view of the community to remove any obstruction that may be in the way, and may this not be a reasonable attempt to make the Arbitration Act more useful ?—What is proposed will not have that effect, and in my opinion it will operate the other way. I can quite conceive that legislation in the way of giving definite power for, say, the executive of an organization to cite the whole of the employers of the Dominion to a sitting of the Court in Auckland might prove so unsatisfactory and ineffective that it might be the means of breaking up the Act.

17. *Mr. Howard.*] At the present time we have in this country different sections of workers, and you realize there is a desire to form one union regardless of any particular industry. That is the desire of the people who advocate one big union. Are you of opinion that the Act should take any part in the settlement of disputes ?—Yes ; is it not doing it ? As a matter of fact the employers did not ask for the Act. One is bound to admit that as a result of the operation of the Act, more especially the result in the way of the settlement of disputes, has been much greater than if the Act had not been passed.

18. Would the employers like to abolish the Act altogether ?—We want to know what would be put in its place.

19. At the present time you consider it is a better idea than the other system ?—Yes, I think so.

20. What I am trying to get at is this : these people who believe in this Act are accordingly trying to counteract the movement of the organization known as the "one big union"—what is designated the "one big union" ?—If the proposals were designed to smash up the present Act and destroy whatever effectiveness there is in its operation, then nothing better could be done than these proposals.

21. You people have in the Act at the present time all the powers asked for under this new Bill ?—In the Act there is provision for a number of unions to register as an industrial association.

22. They have under the present Act power to do what they have here ?—What I might says is, they have not taken advantage of it.

23. What you have said is they have the power under the present Act to do all the things they are asking for under this Bill, and therefore it cannot be a pernicious thing they are asking for under this Bill ?—It is a pernicious thing because of the people behind it.

24. You have under the Act to-day the power they are asking to be given to them ?—Under a certain clause of the Act they have the power, where there are two or more unions, to form what is termed an industrial association, which is really a federation, but they have not made use of it.

25. Now, with respect to clause 7 : of course the worker can proceed for three months' back wages—he can claim twelve months afterwards ?—He can only claim for wages up to three months—it is no use claiming for twelve months.

26. But the Court may order that the three months' wages be paid to the Consolidated Fund. Of course that is only fair ; you have admitted that is a good point in the Bill ?—Yes.

27. *Mr. J. S. Dickson.*] There seems to be some little doubt about this : the Act provides for a Dominion award, but there is a big difference between a Dominion award and one big union ?—Yes.

28. If power were granted under the Act to have one Dominion award, all the funds would be pooled at headquarters ?—I believe it is done already in connection with one or two organizations, such as the Shearers' Union and the Seamen's Union.

29. If they had one big union for the whole of New Zealand the executive could decide then to affiliate with any other trade or calling, and the one big union would be bound all over New Zealand to what the executive decided on ? There is nothing else designed in the Bill : that is the purpose of it.

30. I am not quite clear in regard to the clause with respect to recovery of wages that have been underpaid. Does it mean that the money after three months will go to the Consolidated Fund and the other three months will go to the worker ?—No. I should say that when any money has to be recovered in that way the worker is to blame. The clause in the 1908 Amendment Act reads as follows : "When any payment of wages has been made to and accepted by a worker at a less rate than that which is fixed by any award or industrial agreement, no action shall be brought by the worker against his employer to recover the difference between the wages so actually paid and the wages legally payable, save within three months after the date on which the wages claimed in the action became due and payable." That distinctly provides that after three months from the day when the wages became due the person cannot take any action at all.

31. *Mr. S. G. Smith.*] The employers have not one big union ?—No ; we have the New Zealand Employers' Federation.

32. But they have the machinery to do so—you could get them all to join in ?—Yes. The Employers' Federation is formed by the affiliation of the employers' associations, and at the present time we have twelve trade organizations affiliated throughout the Dominion.

33. *The Chairman.*] But you have no statutory authority ?—No. Those bodies affiliated and formed what is known as the New Zealand Employers' Federation, but they have no executive—none whatever. They have, however, what is known as an advisory board, and that board cannot act unless by instructions from the majority of the organizations affiliated. We do not act without

such instructions except in exceptional cases where we have no time to consult the affiliated bodies In the event of an important matter arising the advisory board will go into it and advise what it thinks ought to be done, but we are not one big union in the sense that has been referred to at this Committee.

34. *Mr. S. G. Smith.*] From your long experience in connection with the amalgamation of the twelve associations mentioned, is not the cost less to the employers and more effective in working ?—It is more effective in working, but I do not know about the cost. I may say that the federation does not take up cases that go before the Arbitration Court.

35. *Mr. Kellett.*] I take it that the object of this Bill is to give the industries—that is, those that are linked up by branch unions—the opportunity of obtaining one Dominion award. I think you stated that that provision is already made; all that is required is a slight alteration. Can you explain where a Dominion award operates ?—Yes; you have an award for the Seamen's Union, and the Drivers' Union.

36. We were told, in fact, that it was a Dominion award, but in reality what happened was that we had to co-operate in every centre to get this award. What would be the objection to the Arbitration Court sitting in Wellington and fixing up a Dominion award ?—It has been done time and again without legislation. It was done in the Wanganui district some time ago.

37. At present the representatives have to journey from one end of the Dominion to the other. I want to find out what real objection there is to the Arbitration Court sitting in Wellington. I think an honest attempt is made in this Bill to improve matters ?—Even this honest endeavour would not simplify things, because cases would still have to go before the Court at the one centre and those concerned from outside that centre would go there very unwillingly. But it would not be possible for the Court to sit only in one centre, because it would have to go to the other centres in order to ascertain what local conditions have to be provided for. Even in your own trade, Mr. Kellett, the Dominion conference worked out very well at the time. Parties meeting in that way and coming to an agreement is a very different thing to the Court doing it, and by awards being made in that way you would avoid some of the difficulties you would have by the Court taking it. As you are aware, even in your own trade there were local conditions that had to be provided for. You cannot get one scrap of advantage as a result of this proposal.

38. Why do you object to it ?—Because there is no advantage to be gained by it. The design behind the Bill is what we object to.

39. *Mr. Potter.*] The Dominion award is a side issue to the Dominion union: that is actually what you said ?—Yes, that is so.

40. *The Chairman.*] Your objection to the Bill, Mr. Pryor, is more rooted than mere suspicion ?—Undoubtedly so.

41. *Mr. Howard.*] As you know, there are two schools in the labour world to-day: there is the direct-action school, who believe in the one big union, and they are opposed by our friends who believe in the arbitration system and who wish to improve it. Now, the latter are trying to alter the Act by this Bill so that it may be more efficient and workable: do you not think that that is so ?—That is not the design of this Bill, Mr. Howard.

42. Do you know who designed this Bill ?—I have not the faintest idea.

43. *Hon. Sir W. H. Herries.*] Was there not an attempt made in 1911 to provide machinery for this Dominion award ?—The machinery is there.

44. We have been told that Judge Sim did not consider it workable: do you remember anything about it ?—My remembrance of it is that the difficulty occurred not in connection with the Act but in connection with the regulations. So far as we can see that section of the Act should be perfectly practicable and workable. The Act of 1911 gives the Court power to provide for a Dominion award.

45. *Mr. Kellett.*] We were never able to get Dominion awards even under that Act ?—I am satisfied of this: that if there was a real desire on the part of the unions for Dominion awards the Act of 1911 gives the Court power to provide for them. It is not the fault of the Act: I believe there is some fault in the regulations. As a matter of fact there have been several Dominion awards made under that Act. There are the shearers, for instance, and I believe also the printing trade. My experience is that a federated trade will come and get a Dominion award by agreement, and then if they find there is some advantage in a district award they will get a district award. I am satisfied there is nothing in this Bill except the one thing.

J. F. ATKINS examined. (No. 7.)

1. *The Chairman.*] Your full name please ?—Mr. J. F. Atkins. I am secretary to the New Zealand Chartered Clubs Association. I appear on behalf of the chartered clubs of New Zealand. We are opposed to our stewards being included under the Industrial Conciliation and Arbitration Act. There is a great line of demarcation between them and the ordinary hotel workers. They have to be the very best men procurable, and their work is very largely of a confidential and responsible nature. It is necessary at times to employ them on relief work, but we adhere to the hours of hotel workers, and would not think of exceeding those hours. In regard to pay and matters of that sort, so long as we can get a good man we always pay good wages, for the simple reason that we must have the very best men. A great many of our clubs are also run on what is known as the partially-paid-secretary system, and this would be unworkable under the Arbitration Act. Therefore there is no doubt whatever about the necessity of our stewards not being brought under the Act. The great bulk of our stewards do not want to be included under the Act because they believe they can do better under the present conditions. I do not think there is anything further I have to say.

2. *Hon. Sir W. H. Herries.*] What is the present position with regard to employees of chartered clubs—are none of them under the Arbitration Act ?—No.

3. Not the housemaids, for instance ?—No.

4. Not the same as boardinghouses ?—No.

5. Do you know whether they have expressed a desire to come under it ?—No.

6. They have never applied ?—No.

7. *Mr. Howard.*] If it is stated that your employees have expressed a desire to come under the Act would you say that that is an untruth?—I would not say that. Perhaps a small number of dissatisfied workers may have expressed such a desire.

8. *Mr. J. S. Dickson.*] So far as you know they have taken no steps to be brought under the Act?—No.

9. *Mr. S. G. Smith.*] Their rate of pay and conditions are better than they would probably be under an award?—Yes.

10. If they came under an award, what would probably have to be reduced?—The hours are right. We would have to reduce their pay.

11. The minimum rate of pay?—Yes.

12. But there is nothing to prevent you paying more?—Oh, no.

13. *Mr. Kellett.*] I understand there is no union in connection with the chartered-club employees?—None whatever.

14. *Mr. Potter.*] I suppose you realize, Mr. Atkins, that although you are only bound to pay the minimum award, the maximum invariably becomes the minimum?—We quite understand that.

15. You have met a good number of these employees: have they ever expressed an opinion that they are not desirous of coming under the Act?—They have.

16. Probably a few would?—Yes.

17. The majority are against it?—Yes.

18. *The Chairman.*] You are secretary of the Chartered Clubs Association. I suppose you are in touch with all the chartered clubs?—We keep in touch with them.

19. Are there any small clubs who may be contravening the Act in connection with pay and the hours of work?—I say without hesitation that they are not contravening the Act. Of course you cannot work these men strictly to certain hours.

20. In your opinion there is no necessity for the Act to be applied to the chartered clubs? The pay and working-conditions of the chartered clubs at the present time are superior to those which the Act provides for?—I am quite sure on that point.

21. *Hon. Sir W. H. Herries.*] You do not prevent a unionist from obtaining employment in the clubs: you would employ a member of the Hotel Workers' Union just the same as any one else?—Oh, yes.

22. *The Chairman.*] You do not discriminate?—Oh, no.

23. Do you trouble to ask whether they are unionists or non-unionists?—Generally an expression of opinion from the applicant will give that information.

F. W. ROWLEY examined. (No. 8.)

The Chairman: Mr. Rowley is the Secretary of the Labour Department. If any member of the Committee wishes to ask Mr. Rowley any questions he will be pleased to answer them.

1. *Hon. Sir W. H. Herries.*] I would like to ask Mr. Rowley's opinion about the 1911 Act?—So far as I can recollect, Judge Sim's statement was that unless there was an industrial association of employers as well as workers section 4 of the 1911 Act, which provides for a Dominion award, was impracticable of application, for the reason that it would be impossible to cite all the employers throughout the Dominion. As far as I can recollect that was the opinion he expressed. I do not see myself how that can make any difference. In consequence of the Judge's ruling it simply meant that each of the several unions had to cite the employers between them separately. They still had to cite all the individual employers, therefore I cannot see what difference it makes. I do not think the regulations were involved, because it would have been quite an easy matter to alter them.

2. Has not that section of the Act been put into force at all—have there been no applications made to the Court since that ruling was given?—There have been no Dominion awards. What he has done has been to make awards for the separate districts, after hearing the cases in the different districts, these awards being practically the same all over the Dominion. In point of fact he would make one award. Take the New Zealand woollen-mills employees, for instance. They filed an award in each district, although it was in effect a Dominion award.

3. *Mr. Potter.*] A distinction without a difference?—Yes.

4. *Hon. Sir W. H. Herries.*] It is really a fact that a Dominion award can be made now?—Yes, that is really the case.

5. Then no amendment is required?—Personally, I do not see that any amendment is required. I do not think that there is any need for an amendment.

6. *Mr. Howard.*] You will remember, Mr. Rowley, that under the original 1908 Act there was an organization whereby all the district industrial unions were brought together under the Trades and Labour Council. You know that the Act as it stands now prevented this, and consequently the Trades and Labour Council has been deregistered and broken up?—The Trades and Labour Council was registered as an industrial association of unions, and it was found that their organization was *ultra vires*, and we had to inform them to that effect.

7. Then, again, the Act itself prevented the local organizations from being linked up under the old Federation of Labour?—The Federation of Labour was never registered under the Act.

8. What I want to point out is that there is a desire on the part of a large section of labour in this Dominion to organize themselves within the limits of this Act, and that the Act itself has killed that chance of organization. It has prevented the Trades and Labour Council, and it has prevented the Federation of Labour, from organizing under the Act. Now, what I want to ask you is, do you not think that this Act should be strengthened by providing for these Dominion unions—are they not trying to strengthen the Act in this way by this Bill?—I am afraid I could not express an opinion on that matter.

9. *Mr. Kellett.*] There is only one question I would like to ask: Where there is an association of employers and an association of workers is it possible to get a Dominion award?—Yes; that is what Judge Sim stated.

10. Then, why did he not make a Dominion award in the case of my union ?—I could not say why he did not make such an award beyond what I have already stated.

11. The whole point is this : In giving his decision he referred to some regulation or other—I am perfectly convinced he did. The machinery could not be put into proper operation. That is the point I wish to make clear. If the machinery can be improved, would it not only be of benefit to the workers and the employers, but also to the community generally ?—Yes, quite so.

12. You say there is nothing to stop these Dominion awards, and yet they have never been granted ?—Of course, there have been two or three awards covering the whole Dominion. The shearers' award was one of them.

13. *Mr. Howard.*] They are really district awards : each district has to have its award ?—That is so ; but the difficulty has been got over by what I have been explaining. There is the same award in the different districts throughout the Dominion ; it is a uniform award.

14. *Mr. Kellett.*] According to Mr. Pryor, all the employers in the Dominion would have to be cited if the Court only sat in the one centre. Of course, I admit that there may be many employers who may be outside of an employers' association, but if there are two associations operating together would it be possible to get a Dominion award under such conditions without citing all the employers ?—I think what you are trying to get at is to simplify the procedure under the Act so that there would be only the one Dominion award. That is a matter which would have to be left to the discretion of the Court, according to the circumstances of the case. There are cases where the local conditions are different.

15. Can you cite one such case ?—The waterside workers.

16. But local conditions could be fixed up without the Court having to go, say, to the Bluff from Auckland. Could not the Court sit in Wellington and fix up all the local conditions ?—You would have to bring all the parties to Wellington.

17. My experience is that local conditions are practically minor points, which do not require so much consideration as the general principles in connection with an award. Look at the very large expense which would be saved if the Court only sat in the one centre. It would also be able to keep up with its work, instead of being five or six months behind. It would minimize all that, and you would get better results ?—I think if you called the Court here to Wellington under section 4 of the 1911 Act they would still have, in certain cases, to hold sittings in other places than Wellington.

18. *Mr. Potter.*] Is it not a fact that if they had the one union there would be a tendency to kill the individuality of the local unions ?—Of course it would kill all the local unions.

19. It would kill the individuality of the unions ?—It would kill the existing unions and make one union for the whole Dominion.

20. Is it not a fact that if there is only the one union the greatest power would lie in the hands of the executive of that union ?—Yes, that would be a fact.

21. *The Chairman.*] From your experience do you think this Bill is necessary to promote the best understanding between the employers and the employees—that is, speaking of the Bill generally ?—That is a political question which is somewhat difficult for me to answer. Without appearing to be partial, I really do not think that the provision would improve matters at all. By giving effect to this Bill it appears to me that the various unions would not be consulted at all. To give a case in point, I should like to say that some years ago there was a bone of contention as between the saddlers in Wellington and the saddlers in the rest of the Dominion. The saddlers in Wellington wanted piecework, but the rest of the saddlers did not, and the result was the Wellington employees were outvoted.

22. *Mr. J. S. Dickson.*] They have no piecework now ?—No The tailors were working on piecework.

23. As to the general principle of the Act, are you of opinion that it has lost its usefulness—that is to say, the purpose for which it was created ?—No, I do not think so ; but I do think that the purpose for which the Act was first intended has been lost sight of. The original intention of the Act was simply to abolish "sweating," and fix merely the minimum rates of wages, leaving the ordinary law of supply and demand to fix the actual conditions of employment.

24. To prevent disputes ?—An endeavour was then made by the employers to force that minimum into a standard wage. In the skilled trades it is not feasible. An attempt was then made by the workers to force up the standard wage. It seems to me something more is wanted than leaving the minimum wage to be fixed by the Court. What is wanted is some further machinery to fix the actual wages of every employee, having regard to skill and conditions.

25. *The Chairman.*] Do you recognize that there is an attempt made amongst the organizations to improve the conditions ?—Yes.

26. Is it a real attempt, owing to the slackness in the Act, to improve their conditions ?—It is, largely for the reasons I have explained. The Arbitration Court fixes the minimum wages. The men are not satisfied with that, and in consequence they have thrown a certain amount of mud at the Arbitration Court.

27. You think the Act could be amended in the interests of the workers which would promote more harmony in industrial matters ?—One way out of the difficulty would be for the Act to provide for the establishment of a local committee to fix the details of the conditions and the actual wages according to the skill required. This wage would then become the minimum wage of the worker concerned.

28. *Mr. J. S. Dickson.*] If the Act were altered with respect to the fixing of the different wages for the different classes, or for each particular class or trade, would it not bring in that bad system where the employers at one time paid their employees 1s. a day more if they worked hard ?—No. You would not fix one man's rate of pay in particular. The principle is already in operation where the worker doing advanced work receives a higher wage—namely, typographers, who receive higher wages as soon as they can perform so-many "ens" an hour.

29. That is on piecework ?—No, he receives so-much a week.

30. *Mr. Kellett.*] Does it make for efficiency ?—Yes. That is not the pernicious system you are speaking of.

31. You must have noticed several times when Mr. Justice Sim was on the Bench that he referred repeatedly to the fact that they only fixed the minimum rate of pay, and he could not understand the employers not recognizing ability ?—Yes, that is so.

32. It rests with the employer at the present time to recognize ability, but unfortunately it is not done. The employer does not do it because he is up against competition ?—Yes.

33. Whatever regulation or amendment may be brought in it will simply rest with the employer to say what he considers the man is worth. My experience has been that whenever any individual is doing work somewhat superior to his fellow-men and receives 1s. per day extra, he earns it. It should be the policy of the employers, where they can do it, to recognize ability ?—Undoubtedly.

34. The reason why there are so many unskilled workers to-day is because there is no incentive for the men to learn skilled trades. They are merely working along mechanical lines, knowing that they will get the increases as time goes on. The result is there are a lot of unskilled workmen to-day. How would you bring about an amendment or regulation that would give to the worker extra remuneration ?—I suppose you can do it by piece-work. Where it is not practicable to do it by direct results, then the only thing I can think of is for the local committees that I have suggested to fix the wages.

35. *Mr. Howard.*] I concur that it is the Court's work to fix the minimum rate of wages and not the maximum. Seeing that the Statistician fixes the rate of wages by the index number, that relieves the Court now of its work ?—The minimum is now fixed by the index number to a great extent.

36. The Court is doing work which it ought not to do ?—Yes, but that provision is only temporary.

37. But it could be made permanent ?—Yes.

38. And more scientifically ?—Personally, I think the mistake has been made by increasing the wages to the full percentage of the cost of living, and you are going round and round. What I think the Court should do is to increase the wages by 75 or 80 per cent., and so bring things down.

39. *Mr. S. G. Smith.*] Do you know of any industry in New Zealand that has registered under the Arbitration Act for one union in New Zealand ?—They cannot do that.

40. The Amalgamated Society of Railway Servants is a Dominion organization ?—They have special provision in the Act.

41. *Mr. Kellett.*] It comes under the Act ?—Yes, but I am inclined to think it has a certificate, but I am not sure.

42. The executive is controlled by the branches ?—Yes.

43. *Mr. J. S. Dickson.*] That is only one branch of the railway service. There are two other organizations—namely, the New Zealand Locomotive Engine-drivers, Firemen, and Cleaners' Association and the Railway Officers' Institute ?—Yes.

44. *The Chairman.*] Is there any other matter you wish to bring under the notice of the Committee ?—Yes. I have not heard section 6 of the Bill discussed. A suggestion was made by one of the Conciliation Commissioners that clause 6 of the Bill is not practicable because it would be impossible to carry out the intention within that time. It is suggested that the words "one month" should be deleted altogether, leaving only the maximum period—two months.

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