

185. If you are put on the same footing as others under the award, you would be in a position to ask for a fresh award?—I do not see how we could be put under the same conditions as the others by an arbitrary clause of this kind. The conditions are so different that an arbitrary Bill of this character could not be equal in its incidence if applied to every company. If the Court has not yet given an award, it seems that it is rather precipitate that a Bill should be brought down to make this clause compulsory without giving us an opportunity to call evidence to show why the wages should be reduced in accordance with the alteration in the hours worked.

186. *Mr. Macpherson.*] Your idea is that this question should be left to the Arbitration Court to decide, and not to Parliament?—Yes.

187. Do you think it is an arbitrary act on the part of Parliament to take the matter out of the hands of the Arbitration Court?—I should not if Parliament had dealt with the hours of labour before the Court had given its decision as to the conditions of employment; but after the Court has dealt with the case, it seems to me to be on all-fours with an interference in a decision of the Supreme Court.

188. *Mr. R. Mackenzie.*] Is it not the duty of Parliament to pass laws for the country?—Yes.

189. You are in the clerical branch of the Westport Coal Company?—I am branch manager at Wellington.

190. Did not Parliament interfere and compel the company to give the clerical staff a half-holiday in each week?—Yes.

191. Have they not interfered with every industry, and said that employees should only work during certain hours?—Yes.

192. That has not been left to the Arbitration Court?—No. I quite admit that the Legislature is the highest tribunal in the land, and has the right to pass such legislation as it considers desirable; but it seems to me that this Bill would be very unfair, inasmuch as it only deals with the hours of labour, while with regard to all other conditions we have to apply for a decision of the Arbitration Court. Our position is this: that had the Arbitration Court given an award in 1905, they would probably have given a decision not only reducing the hours but also reducing the wages, whereas if this Bill goes through it will only deal with the hours of labour and leave the wages as they are at present.

193. In *Mr. Pilcher's* case, owing to the Act of 1903 having been passed, his company comes under the provisions of this Bill, whereas you, having worked under the old award of five years ago, are getting an advantage?—I have already explained that it is impossible to compare any two mines, and that there are mines the owners of which do not object to the bank-to-bank clause. But in our mines, where it means a loss of fifty minutes a day in going to and from the face, it is a serious thing, and this is a case where the Arbitration Court, sitting in different localities, would be able to say that at one mine the bank-to-bank clause should apply but not in another, the conditions governing their decision. The difficulty in connection with this Bill, as I have said, is that it refers simply to the hours of labour and not to the wages to be paid.

194. Supposing Parliament says that no man shall work in a coal-mine longer than a certain time, you have the Arbitration Court to go to, where you can say, "Our industry can only afford to pay so-much wages for that time"?—But this clause would come into effect before we could go to the Arbitration Court.

195. The point you want to make now is the point you object to yourself—you asked the Court not to make an award?—We may possibly have asked the Court not to alter the award, but having heard the evidence they decided that it would be a great injustice to make the award asked for, and did not do so.

196. Consequently, you would not have an award, and possibly would not care to have one for fifty years?—Certainly, if it were likely to be injurious.

197. Do you think all the mines should be placed under the same law?—We do not mind the award, but the serious part of this particular Bill is the fact that it is going to regulate the hours of labour without giving us the opportunity of having the wages altered accordingly.

198. But your award expired long ago?—I think it has two years to run. I thought it had been renewed for a certain time. This Bill seems to us to be rather arbitrary in fixing the hours of labour without giving us the opportunity of getting the other conditions altered.

199. It is open for you to go to the Court for that purpose?—Possibly.

200. *Mr. Herries.*] How often does the Arbitration Court sit in your district, supposing you wanted to apply to it?—We might have to wait twelve months.

201. Is that the shortest time?—I know they have been very much behind in their work, and one has to wait a considerable time before a reference can be got.

202. Supposing you had to wait six months, can you form an estimate of what the company would lose?—Yes, £10,000.

203. If this Bill passed, would the Westport Coal Company ask for the Court to sit?—I have no doubt at all that they would.

204. And would the other mines in the district also ask for it to sit?—All those affected would.

205. *Mr. R. McKenzie.*] Are you aware that the Arbitration Court can make an award, if the Court did not sit for six months, so that it would date from the time the Act was passed?—But could we collect the amount which we had lost in the meantime?

206. You have the money in your own hands, and could see that you would not lose?—That would be a very difficult thing.

207. *Mr. Colvin.*] What was the output of your mine during the last twelve months?—About 550,000 tons.

208. What did you base your calculation on the twelve months at?—It is based on the fifty minutes a day lost multiplied by the number of men that would be affected, and also the loss sustained by the decreased output; and whenever the output of any industry diminishes the cost of production rises proportionately.