
(763.) DUTIES OF AN INSPECTOR OF AWARDS.—EXPLANATIONS
BY MR. JUSTICE CHAPMAN, PRESIDENT, ARBITRATION COURT.

AT the conclusion of the business at the Arbitration Court, at Dunedin recently, Mr. Hally, Inspector of Awards under the Industrial Conciliation and Arbitration Act, asked permission to make a personal explanation, and, leave being granted, he stated that he

wished to refer to some very adverse remarks that had been made to himself personally and against the Department generally on account of the published statements having reference to the remarks made by the Court respecting the duties of Inspectors of Awards. He did not blame the Court for a wrong inference that might be drawn from the remarks, but he thought it right that an opportunity should be given him to explain matters in another light. In the first place, the Inspectors of Awards did not rely entirely upon the information given by the unions. They made, as far as lay in their power, an exhaustive and judicial inquiry into every case before recommending a prosecution. Again, the unions did not always make the complaints, as it often happened that the employers made use of the Department in this direction also; and, further, the duties of an Inspector of Awards as laid down in the Act were mandatory, and he was compelled to act even when he did not get information from any other than a personal investigation. As far as the number of cases coming before the Court were concerned, they by no means indicated the number of complaints made. As an indication of how careful he was in this matter, since he had held the office of an inspector in Dunedin probably three hundred alleged complaints had been investigated by the local officials. Of these, only fifty had been brought before the Court, thus showing the extreme care devoted and attention given to the matter; and he believed Inspectors of Awards in other centres acted in the same way. He did not speak so much for himself as for the inspectors generally.

The President said that he could only say that if such an impression had arisen through anything he stated it was wholly a mistaken impression. Neither he nor his colleagues had the slightest intention of commenting adversely on the inspectors, or of casting any reflection on their mode of action. They had sat in several places—notably Auckland, Christchurch, and Dunedin—since the system of inspection came into existence, and in every place they had found, so far as they could see, that the inspectors were doing their duty efficiently and in a perfectly reasonable way. What he wished to say on behalf of his colleagues and himself was that amongst other things it was preferable that prosecutions should be conducted by the inspectors instead of by the unions, because in the end there was less likelihood of friction arising out of prosecutions conducted by inspectors. The description by Inspector Hally of how his duties had been performed corresponded with what the Court expected from inspectors. Many of the cases which they had heard during the fast few months appeared to be small cases, and a great amount of the Court's time had been taken up in investigating matters which appeared to be small matters. But the Court did not wish it to be understood that it suggested that there had been one single improper prosecution. These small prosecutions were at a certain stage necessary, but the Court hoped that in time they would disappear. He wished altogether to dis-

claim all idea of having suggested that there was any failure of duty or over-officiousness on the part of inspectors. Quite the contrary. Their actions had been *bonâ fide* and in the right direction.

In the course of his remarks on the case, Inspector of Awards (Dunedin plumbers) *v.* J. and T. Christie, Mr. Justice Chapman said, further, that the Court expected the inspector to investigate a case when it was properly brought under his notice by the union. He was independent of the union. He was a Government official, and could very often say himself that a case should not be brought before the Court. That is the object of an independent investigation by the inspector. It is simply like a prosecution. Some responsible official, either an official of the police or an adviser of the Crown, determines, in the first instance, whether an information should be laid. It is very much the same here. It is the duty of the inspectors to investigate cases brought before them by the union, but that investigation has a thread of judicial element in it. The inspector must always impartially determine whether there is a fair case on which to proceed. When once that is understood a good deal of the feeling that has existed in the past with respect to these prosecutions will die out. That was the experience in the case of the Shop-hours Act. Every one here will remember that time. The Magistrate's Court was filled with prosecutions under the Shop-hours Act. When once the employers came into touch with the inspectors, and all the little points of difference were discussed between them, the friction gradually died out, and we find this Act is observed now. We expect to see the same in regard to these awards. There is no great difficulty in the matter if the people take the trouble to master the awards, and there ought to be in the near future a great reduction in the number of these cases. At present there appears to be a considerable increase, but, I take it, that is largely due to the fact that proceedings are instigated by the inspectors really in the nature of a caution, so as to induce people to study their awards and obey them. We fully expect that inspectors will act on their own responsibility, not on the mere suggestions of unions, and that they will in every case brought before them by a union fully investigate the facts from an independent standpoint, and take their own stand.
