

and we cannot achieve similar legal freedom unless we tidy up these legal forms.

12. The legislative inability of the New Zealand Parliament has not proved excessively burdensome because the ways adopted by various Governments of circumventing the difficulties involved have seldom been challenged. (Though there was, and there is always, the risk of this being challenged as being invalid, as might well have been the case during the last war period, particularly in respect of emergency legislation affecting shipping.) Moreover, New Zealanders have never shared the desire of some other Dominions for theoretical "equality of status" with the United Kingdom and were reluctant to identify themselves with groups which insisted too much on "equality" and pursued separatism under cover of the Statute of Westminster. For many years past, however, the question of status has been settled, and separatism is a dead issue. The cohesion of the Commonwealth and the attitude of our own people during the recent war and since are the answers to the prophets of gloom of the inter-war years. The Statute can now be seen purely as the practical lawyers' document it is, and its usefulness can be shown unclouded by the important but extraneous issues which were once associated with it. Some of these practical points are listed briefly in sections that follow.

II. ANALYSIS OF THE STATUTE OF WESTMINSTER

A. SECTION 2: THE RESTRICTIONS IMPOSED BY THE COLONIAL LAWS VALIDITY ACT, 1865

13. Section 2 of the Statute of Westminster provides that—

2. (1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

(2) No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule, or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion.

On the adoption of this section, New Zealand legislation will no longer be deemed to be invalid merely on the ground of repugnancy to existing or future Acts of the Parliament of the United Kingdom or any regulations made under such Acts.

14. It will be noted that the Colonial Laws Validity Act was passed in 1865, while the system of responsible government in most of the colonies was still in its infancy and before Dominion status had evolved.