

and 736 of the Merchant Shipping Act illustrates the limitations imposed on the New Zealand Parliament with respect to shipping.

18. The effect of the Colonial Laws Validity Act on the legislation of the Dominions was discussed at the Conference on the Operation of Dominion Legislation in 1929. It is stated in paragraph 50 of the report :—

We have therefore proceeded on the basis that effect can only be given to the principles laid down in the report of 1926 by repealing the Colonial Laws Validity Act, 1865, in its application to laws made by the Parliament of a Dominion, and the discussions at the Conference were mainly concerned with the manner in which this should be done. Our recommendation is that legislation be enacted declaring in terms that the Act should no longer apply to the laws passed by any Dominion.

Section 2 of the Statute gives effect to this recommendation.

19. The legislative power of the General Assembly was extended, but to a very limited extent, by the Whaling Industry (Regulation) Act, 1934 (U.K.)

B. SECTION 3: EXTRA-TERRITORIAL LEGISLATION

20. Section 3 of the Statute of Westminster provides :—

3. It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

It is intended that this section will set at rest the doubts as to the validity of Dominion legislation having extra-territorial effect. For example, doubts have existed as to the competence of Dominions to legislate in respect of fisheries, taxation, shipping, air navigation, marriage, criminal law, deportation, and the enforcement of laws against smuggling and unlawful immigration. (Paragraph 38 of the report of the Conference on the Operation of Dominion Legislation.)

21. The United Kingdom Parliament has always had power to legislate with full extra-territorial effect, but, because of their origins as colonies, Dominion legislatures have not. Such power is necessary to a developed and sovereign State. The uncertainty of the position in the Dominions is illustrated in a number of leading cases. In *McLeod v. Attorney-General of New South Wales*, (1891) A.C. 455, the Privy Council held that the Legislature of New South Wales could not apply its law relating to bigamy to a person married in New South Wales who entered into a bigamous marriage while temporarily in the United States of America. In that case the act charged as a crime (the second marriage) took place outside New South Wales—i.e., outside the territorial jurisdiction of Australia. The decision in this case was followed in New Zealand in the case of *R. v. Lander*, [1919] N.Z.L.R. 305, in which the Court decided that legislation making bigamy committed abroad an offence