

REPORT OF PROCEEDINGS OF THE CONFERENCE

permit me for two minutes, I will show where the urgency lies. This case has arisen with regard to a British ship. The local authorities have held that the master is not entitled to make these deductions. What I want to say further is that I very much regret that the well-known Steamship Company of New Zealand have attached exactly the same clause to the articles of one of their ships, and it is causing a good deal of concern amongst the seafarers of New Zealand, and there is a possibility that the coastal trade will be held up until this thing is decided, and the reason I want an answer as soon as possible is so that I can cable it to New Zealand.

MR. LLEWELLYN SMITH: This Conference could not give an authoritative opinion on points of law. If you could put the point in writing, if it is a point on which any opinion from the Imperial Board of Trade would be of any value, we would consider it. It strikes me, on the face of it, that you rather raise a question which could only be decided by the courts, but I would not like to say that definitely.

HON. W. M. HUGHES: Perhaps Captain Chalmers, or perhaps yourself, might consider Mr. Belcher's remarks in this light, that you will take an early opportunity of stating what, in the opinion of the Board of Trade, the law is on this point, and then that could be done without discussion.

MR. CUNLIFFE: What the law is generally, or what the law is on this particular point?

HON. W. M. HUGHES: On this particular point. What I mean to say is, what, in the opinion of the Board of Trade, the law is in reference to articles which provide, say, for the forfeiture of two weeks' pay; whether, in your opinion, that is proper. I think if that were done at the afternoon sitting, or to-morrow morning, that would be sufficient.

THE CHAIRMAN: Of course, what we will do is to consider if it is a question to which we could give an answer, and, if so, give it.

HON. W. M. HUGHES: If you can give an answer, then I apprehend that it would be in order for Mr. Belcher to give notice that at another sitting he would bring the matter up before the Conference.

MR. LLEWELLYN SMITH: There was a question raised at our last meeting about the cabling of fuller reports for the information of the Colonial Press. You remember that I said I should like to consult the President of the Board of Trade. I have not failed to do so, and Mr. Lloyd George, of course, has not the least objection to the despatch of fuller information to the Colonial Press, if you think it desirable; but that as such information or part of it is liable to be re-telegraphed and published in the United Kingdom, it is desirable that the rule adopted at the first meeting of the Conference, that all communications to the Press should be approved by a representative of Australia, New Zealand, and the United Kingdom, should be maintained in this case. If that course is convenient, perhaps when you have prepared anything, one of your secretaries would communicate with our secretary, just as in the communications for the English Press we proceeded the other way. I have taken upon myself—and I ask the Conference to approve my action—to rather alter the order of the Agenda so as to bring up to the top the question of the classes of voyages to which Australian, or we should have said more properly Colonial, conditions should be applicable, because I think we have all had in our minds that until we get that out of the way it is rather difficult to discuss some of the other things. On that point two motions have been handed in. One from Sir William Lyne, and one from Sir Joseph Ward. They have been put down in the order in which they were handed in. Perhaps the Conference will think the most convenient course will be to take the subject in the order indicated in the Royal Commission's Report, that is provided (a), (b), and (c) in the recommendation as to application cover the whole ground. First of all, there is the question of the ships registered in the Colony, and then ships engaged in the coasting trade, and then we have to consider anything else.

HON. W. M. HUGHES: Both these are under the same heading and fall under Section 4 of the original Agenda.

MR. LLEWELLYN SMITH: If that meets with your approval, it will naturally be convenient to consider it

with a view to seeing how far we can go in unanimous agreement before we arrive at any points of difference.

HON. W. M. HUGHES: Did we finish the other Agenda Paper?

MR. LLEWELLYN SMITH: Perhaps you did not quite catch what I said, that I had taken upon myself to rather alter the order, because I thought it was felt this was a question we wanted to get cut of the way. Of course, I am in your hands if you wish to adhere to the other.

HON. W. M. HUGHES: I think you are quite right.

MR. LLEWELLYN SMITH: Then the first point is, ships registered in the Colony. Is there anything to be said about that?

SIR WILLIAM LYNE: I want to say two or three words on the motion of which I gave notice, as I understand from some of the gentlemen present that they think the wording extends too far. The motion is:—"That the law of any British possession which operates in regard to vessels registered or usually trading in that possession shall also operate with regard to all vessels coming into a final port of destination in that possession or clearing outwards from any port therein." The reason I worded it in that way is because it is in accordance with the provisions of our Commonwealth Constitution. Our Commonwealth Constitution provides this, amongst other things, that the Constitution itself gives power to legislate with respect to trade and commerce with other countries. And it goes on to say in Section 98 that the power of Parliament to make laws with respect to trade and commerce extends to navigation and shipping. And the Constitution also provides that the laws of the Commonwealth shall be enforced on all British ships in the Commonwealth. What I particularly wanted to decide is that not only registered ships that come into the Commonwealth and go from the Commonwealth, but all over-sea ships as well that come and do coasting trade shall be considered as part and parcel of the coastal shipping of the Commonwealth, not to exclude any over-sea ships, but simply to bring them within the powers of the laws we may make whilst they are doing coastal trade.

HON. DUGALD THOMSON: Does it not go beyond?

SIR WILLIAM LYNE: I do not think it does, but I am prepared to make it applicable to New South Wales and New Zealand.

HON. W. M. HUGHES: You mean Section 5 of the Constitution?

SIR WILLIAM LYNE: Yes. That that section applies and gives us power, which is a superior or a larger power than I think is, for instance, in the New Zealand, and we hold that that gives us power to deal with every ship, whether a British ship, or any other ship, that comes and does trade on the Australian coast, and it would apply, I presume, if this is agreed to, to the New Zealand coast, but at any rate the Australian coast, whether it be a registered ship or not. There is no necessity to dwell on this question. I have tried to make my intention clear, and I am quite prepared to alter the wording and, instead of saying "any British possession," say "the Commonwealth of Australia and New Zealand," or any other alteration of the wording to coincide with that; but I want it to be clearly understood that this is, to my mind, almost the gist of the whole question, that is, as to whether ships coming from abroad, trading on our coasts—putting it concretely, that if that ship comes and trades from Fremantle to Sydney or Brisbane or elsewhere, that that ship shall come under all the provisions that we apply to the registered shipping of the Australian trade.

MR. PEMBROKE: It is only to apply to vessels trading from one port to another.

SIR WILLIAM LYNE: I want to point out that is a matter that might be one of legal interpretation; that I am not sure about. I do not like to say if this will have that power. If the Constitution allows I want it to be so, but I have read the extract from the Constitution of the Commonwealth to see how far it gives us power.

HON. W. M. HUGHES: Where is that extract?