

REPORT OF PROCEEDINGS OF THE CONFERENCE.

MR. MILLS : Sir William wants to make the way clear for his Act.

THE CHAIRMAN : These things do not interfere with us. I think it is very desirable that we should arrive at an understanding, but with regard to any machinery which you may set up to protect men engaged in the Commonwealth, that is entirely a matter for yourselves, and I do not see how we can interfere.

HON. W. M. HUGHES : I should like to say that Clause 3, as put forward by Sir William Lyne, is not at all conclusive or satisfactory in any shape or form to me, and therefore I would not have it. It is ineffective.

THE CHAIRMAN : That is why I do not think we ought to engage in the discussion. Now No. 5 :—"That imprisonment for desertion be abolished." I wish Mr. Havelock Wilson was here, because he represents the sailors, and he is strongly in favour of imprisonment for desertion. And therefore I think, perhaps, Sir William had better open, and then we will adjourn.

SIR WILLIAM LYNE : So far as this resolution is concerned, I do not think you have any provision for imprisonment for desertion.

THE CHAIRMAN : Last year we reinstated it in another form. We found we could not very well get on without it, because some sailors when engaged go on board ship, and after having been engaged or paid something in advance, they sometimes get drunk or get into bad company, and the ship might be detained for hours or a day or two.

HON. W. M. HUGHES : We propose to abolish the advance note. They won't get that, and then there will not be so much inducement to take drink.

THE CHAIRMAN : It is a very serious matter here, and Mr. Havelock Wilson agreed in a case of that kind they ought to be punished. It was moved by Mr. Havelock Wilson, who is the sailors' representative here, "That 'where a seaman has been lawfully engaged and has received an advance note . . . 21 days.' That includes the element of fraud; it is where he has received money and then does not turn up.

HON. W. M. HUGHES : That is obtaining money under false pretences.

SIR WILLIAM LYNE : All I stated, Mr. President, is that your law does not provide any imprisonment for desertion. Of course, if you bring in the element of fraud, it is quite a different thing, and I do not propose in any way to allow any person to get off without imprisonment if there is any fraud. But what you did in England, surely you don't object to our doing, that is abolishing imprisonment for desertion.

MR. LLEWELLYN SMITH : Would you extend the abolition to desertion from foreign ships? Would you imprison at the instance of the Consul?

SIR WILLIAM LYNE : I do not know how far the law would take it. I object altogether to imprisonment for desertion in the way it has been done. We had a case not very long ago in Australia, and it was a very serious one. Sometimes, very often, the fault is altogether with the master in causing the man to desert; in fact, I think in nine cases out of ten it is with the master.

MR. LLEWELLYN SMITH : I think you, in your Bill, retain imprisonment for desertion from foreign ships.

HON. W. M. HUGHES : If we apply it to British ships, we should certainly apply it to foreign ships.

MR. NORMAN HILL : In Section 176 of the Commonwealth Bill, they take very wide powers to restore deserters to foreign ships, not foreign-going ships.

THE CHAIRMAN : That is very unfair to the British.

SIR WILLIAM LYNE : I should not relieve foreign ships and place them in a better position than British ships.

HON. W. M. HUGHES : Will you let me point out that on page 16 of your Blue-book the Commission recommends that : "Imprisonment for desertion to be abolished in respect of :—(1) All desertions in Australia from any vessels. (2a) Desertions abroad from ships registered

"in the Commonwealth. (2b) Desertions abroad from ships continuously trading to any port in the Commonwealth and whose final port of discharge of crew is in the Commonwealth." That would be covered by their contract. Men under Articles drawn out in the Commonwealth are subject to Commonwealth law.

MR. COX : Might I ask one question. Supposing a man deserts from a ship under a foreign flag in an Australian port, would Australia give the assistance of the police to recover the deserter?

HON. W. M. HUGHES : We hand him over. I am almost inclined to think that international courtesy would make us do that.

MR. COX : I only raised the question because there are certain treaties by which we are bound to do that.

HON. W. M. HUGHES : I don't think there is any intention to interfere with the present practice in that respect. We merely say we don't allow our jails to be used, but if you want the man we will hand him over to you.

HON. DUGALD THOMSON : The recommendation of the Commission says :—"In cases of desertion in Commonwealth ports from ships other than those mentioned 'in 2a and 2b' deserters should be placed aboard such vessels upon request by competent authority—that means in respect of cases of desertion from ships not registered in the Commonwealth or not continuously trading to any port in the Commonwealth, and whose final port of discharge of crew is in the Commonwealth.

HON. W. M. HUGHES : I think that covers the point raised.

SIR WILLIAM LYNE : We are making this proposition for desertion, forfeiture of all accrued wages and emoluments and all the effects he leaves on board; and in the case of foreign ships, for desertion we propose 12 weeks' imprisonment for the first offence and six months for subsequent desertion.

MR. COX : For ships under a foreign flag?

SIR WILLIAM LYNE : Yes.

MR. COX : You would punish the foreign deserter, but not the British.

SIR WILLIAM LYNE : So far as I am concerned, British ships will get all the advantages the foreign do. This is the draft Bill; but I won't do anything that will give a foreign ship an advantage over a British ship. The Minister may order any seaman sentenced under any part of this Act to be put on board the ship.

HON. W. M. HUGHES : Does that apply to all ships?

SIR WILLIAM LYNE : No; only foreign ships.

MR. ANDERSON : On the homeward voyage the balance of account is against the seaman.

SIR WILLIAM LYNE : That is your argument in favour of imprisonment.

MR. ANDERSON : No, I am not arguing in favour of imprisonment. I am arguing for something in favour of inducing the man to keep to his bargain. I am not vindictive.

SIR WILLIAM LYNE : No, I don't suppose you are. But the proposal we have made is simply to forfeit all his wages and his effects.

MR. NORMAN HILL : He won't have any under those circumstances. And when you consider the question of the abolition of all imprisonment for desertion I think it is necessary you should consider the necessity for relieving the shipowner of all penalties for leaving the deserter behind.

SIR WILLIAM LYNE : We have some very drastic lines with regard to that.

MR. NORMAN HILL : But if you encourage the men to desert by freeing them from all effective punishment, and then fine us, because they have deserted, it would be a little bit hard.

SIR WILLIAM LYNE : You have a very nice simple way of putting a very drastic position; there is no doubt about that. If we did that, it would be a very extreme course to take, because we have laws that are very con-