

REPORT OF PROCEEDINGS OF THE CONFERENCE.

crete, I may say, with regard to leaving men behind, especially such men as we don't want.

HON. W. M. HUGHES : We point this out on page 17 of your blue book : "And the law should be further amended so that any seaman may, by giving due notice, quit his ship without incurring criminal or civil liability. If he does not give notice your Commissioners consider the case will be met by the forfeiture of all or any part of the wages, at the discretion of the court, then due to him together with the liability to be sued for such damages as his employer may have suffered through his action." If he gets another job, supposing he leaves you, you could sue him.

MR. NORMAN HILL : Suppose he leaves us and steps on shore you fine us ?

HON. W. M. HUGHES : You can sue him.

MR. NORMAN HILL : You are telling the man that he is entitled to break his contract whenever he pleases, and if he does break his contract and remains ashore, and you consider him undesirable we are fined £100.

HON. W. M. HUGHES : Oh, well, if you persist—you are really between the devil and the deep-sea there. Supposing a coloured man comes off a ship, we should certainly fine the master or owner or agent £100 for letting him come ashore, and then hand him over.

MR. NORMAN HILL : You'd catch him and carry him on board.

THE CHAIRMAN : But they have to pay their £100 and lose their man.

HON. W. M. HUGHES : No. We would give you the man back. In all cases where you pay the £100 we deliver the man.

THE CHAIRMAN : You only deliver the goods to the foreigner.

HON. DUGALD THOMSON : Sir William Lyne has proposed they should be delivered, and the Commissioners' Report suggests they shall be delivered.

MR. COX : Does it recommend that if they do not deliver, the fine is remitted ?

HON. DUGALD THOMSON : There is only a fine in exceptional cases.

MR. NORMAN HILL : We are under obligations to keep our men on board under these very heavy penalties, and it is important nothing should be done to weaken the obligation on the part of the men. So if they are going to say to the men, "You may break your contract whenever you please, and if there is anything due to you, you lose it"—

THE CHAIRMAN : They don't quite say so now. What they say now is, "We won't allow you to break your contract. We will catch you if we can and put you on board."

MR. NORMAN HILL : Which is a very different position. But they have weakened our position in dealing with the men very greatly. That man is no longer guilty of a criminal offence. They have told the man, "You may break your contract, and we won't punish you." But at the same time they must relieve us from all penalties for leaving him on shore.

THE CHAIRMAN : We say, in case of desertion in Commonwealth ports from ships other than our own, or those ships whose final port of discharge is in the Commonwealth, we hand them over by request of the competent authority which in one case would be the Consul and in another case the captain of the ship.

HON. DUGALD THOMSON : I quite agree shipowners can very properly urge that if those with whom they have a contract are allowed to break it whenever they choose, that they, as shipowners, should be allowed to break their contract whenever they choose. Well, that would not be agreed to. I don't suppose you would let shipowners discharge men all over the world in places where they could not get employment, and in that case there is inequality. Of course, this is complicated by the other fact that in Great Britain there is no punishment by imprisonment for desertion unaccompanied by fraud, and of course it is therefore rather difficult to say that in Australia they shall be imprisoned.

MR. DUNLOP : The position is a little different because it would be a mere case of keeping the man in prison and putting him on board the ship when he is about to sail.

THE CHAIRMAN : Mr. Norman Hill has moved this not as an amendment, but to add after the words "that imprisonment for desertion be abolished," add the words "in the country in which the seaman is engaged except in the case of a seaman who, after negotiating his advance note, wilfully or through misconduct fails to join his ship or deserts before the note is payable. And that in the case of a deserter the shipowner be relieved from all responsibility for his repatriation, and that no penalty be imposed on the shipowner by the State in which the deserter is left for leaving such deserter behind."

SIR WILLIAM LYNE : We could not have that.

SIR JOSEPH WARD : That might mean that if an alien, who was on board a ship, deserted and got into our country, he would have the right to remain there. Now, as a matter of fact, if an alien comes to our country we won't allow him to land, and we impose upon the shipowner that he does not land passengers of that kind. If you put that latter portion in, clearly we might have the introduction of aliens brought about in the other way. We don't want to imprison aliens. We don't want them in New Zealand at all.

MR. NORMAN HILL : If you have them and keep them till they are ready—

SIR WILLIAM LYNE : Supposing your ship came to Australia and one of your crew deserted, and he was an undesirable, you are liable.

MR. DUNLOP : What you are saying is to encourage them to desert.

SIR WILLIAM LYNE : We don't want to keep them; we want to help you.

HON. W. M. HUGHES : I will move as an amendment on the bare motion, "That in cases of desertion in Commonwealth ports from ships other than those registered in Australia, or ships whose final port of discharge of the crew is in the Commonwealth, that the deserters shall be placed on board such vessel upon request by competent authorities." That is what we recommend in the Commission, and that seems to place shipowners in a fair position; that is to say, if the men get off, if the owners request, they can be put back on the ship.

THE CHAIRMAN : I think we will adjourn for lunch, and if Mr. Hughes will put that in, we can consider that and the shipowner's amendment after lunch.

(The Conference adjourned for lunch.)

AFTERNOON SESSION.

THE CHAIRMAN : Well now, this is Mr. Hughes's proposal, to add after Sir William Lyne's resolution "That imprisonment for desertion be abolished" the words "provided that in respect to desertion from ships other than those (a) registered in the Commonwealth, (b) whose final port of discharge is in the Commonwealth, deserters shall be placed on board such vessels by request of the competent authority, in the case of a foreign vessel the Consul of that country, and in the case of a British ship the captain." That is Mr. Hughes's proposal. Now, Mr. Norman Hill wants to add this : "That you should imprison in Australia, in cases where provided for elsewhere, that is where there has been an Advance Note, and he wilfully, or through misconduct, fails to join his ship." That is a case of fraud. And the second point he wants to add is : "That in the case of a deserter, the shipowner be relieved from all responsibility for his repatriation, and that no penalty be imposed on the shipowner by the State in which the deserter is left, for leaving such deserter behind."

HON. W. M. HUGHES : Well, as to the first, the case of fraud, that will not apply to any ship that is in Australia other than in the case of those seamen who have shipped in Australia. The case of fraud that Mr. Hill has in his mind is where a man engages to come on a ship, receives an amount of money in consideration of his so promising, and then fails to fulfil his contract. That