

REPORT OF PROCEEDINGS OF THE CONFERENCE.

THE CHAIRMAN: That will come afterwards. I now put Sir William Lyne's amendment.

(The Chairman then put the amendment to the meeting, but it was not carried.)

THE CHAIRMAN: Now I put our resolution in the form suggested by Sir Joseph Ward, and Mr. Hughes moves an amendment to leave out the words "to which they have adhered" and insert the words "in which they may concur."

HON. W. M. HUGHES: Mine was exactly the same except that I have used Sir William Lyne's words "that they may concur." You might bring in legislation dealing with immigration, you might make a treaty for that; the treaty might be in conflict with the law, and Sir Joseph Ward's resolution would not help you because it was not something to which you had adhered at the time it was passed. It would be a treaty to which you adhered subsequently.

THE CHAIRMAN: You say, "in which they may subsequently concur"?

HON. W. M. HUGHES: No, in which they may concur. The "may" will cover past or future or present.

MR. LLEWELLYN SMITH: I don't think it will.

THE CHAIRMAN: Wouldn't it answer your purpose if you added "or in which they may subsequently concur"?

HON. W. M. HUGHES: Ah, no. Obligations imposed by any treaties other than those in which they have expressly concurred, are obligations which I do not wish to recognise at all further than they are now recognised by us. I don't want to accept any fresh obligations.

SIR JOSEPH WARD: Might I suggest upon this point that we want to bear in mind the fact that in future treaties there is a clause goes in which makes them not binding upon the Colonies unless the Colonies agree. That is very important. Very well, if we have all adhered to any treaties that exist now, that resolution to which they have adhered must be quite right. Now if you add the words "or may concur," then you meet what you want. We are guaranteed in the future, and you get exactly what you want.

HON. W. M. HUGHES: You say, "to which they have adhered" or "may concur."

HON. DUGALD THOMSON: I think it is perfectly effective without those words at all. It says, "in any future legislation."

HON. W. M. HUGHES: Very well.

HON. DUGALD THOMSON: I don't see that it is wrong as it stands; it says, "in any future legislation there shall be an express provision inserted safeguarding the obligations imposed by the treaties to which they have adhered." It is all a matter for the future.

MR. NORMAN HILL: Don't you cover all points by leaving out the word "have" and saying "to which they adhere"?

THE CHAIRMAN: I think Mr. Hughes's suggestion covers it, "or in which they may concur."

HON. W. M. HUGHES: The words "adhere" and "concur" do not mean precisely the same thing.

MR. COX: The technical term that is always used in diplomacy is "adhere."

HON. W. M. HUGHES: Concur used in this sense really postulates Parliamentary sanction, and postulates express Parliamentary sanction. I want to put in "express Parliamentary sanction," so that there can be no mere Executive sanction. It is conceivable that the Executive might assent without consulting the Parliament, but it is not desirable. For my part I would never assent to anything that might—

MR. COX: That is really for your Government, whether they take it into Parliament or not.

HON. W. M. HUGHES: Quite so.

THE CHAIRMAN: I think it covers everything you want. "Adhere," as Mr. Bertram Cox says, is a diplomatic word. That implies you are treated as a party to the treaty.

MR. PEMBROKE: I think the original word covers the thing.

HON. W. M. HUGHES: Although it is not elegant English to say "in which they have concurred or may subsequently concur." At the same time, it is unmistakable. "Concur" does mean something different to "adhere" in a Parliamentary sense. "Concur" applies to a case where some matter has been laid before a number of persons—they concur.

MR. CUNLIFFE: If you adhere you can call your officials over the coals. It seems to me the proper word. Once adhere, and you are bound by the treaty.

HON. W. M. HUGHES: After all, it is only a matter of words. But I prefer the word "concur." I move the omission of all the words after the word "treaty" with the view of inserting the following words: "in which they have concurred or may subsequently concur." That will govern all kinds of treaties, and will govern the case which is a very likely case to occur, where a treaty might involve an alteration of the Immigration Act or the Commerce Act.

THE CHAIRMAN: Personally, I think it is better to stick to the words which are diplomatic words—"adhere" or "accede."

HON. W. M. HUGHES: For the reasons I have stated, I prefer my own words.

THE CHAIRMAN: Very well, I put Mr. Hughes's amendment.

(The Chairman then put the amendment, but it was not carried.)

SIR WILLIAM LYNE: How is that going to be taken.

HON. DUGALD THOMSON: Surely we can agree on a word.

SIR WILLIAM LYNE: There are some of the New Zealand delegates voting for it. I want to know how the vote is going to be taken.

HON. W. M. HUGHES: I press it merely because I know "concur" does convey to the average person a different meaning. And even etymologically it means a particular assent by a body of people, and "adherence" is more particularly appropriate to the high contracting party, the Executive Government.

THE CHAIRMAN: But, of course, it is the explanation you give which makes the thing rather doubtful. For instance, take the Italian Treaty. The Australian Government sends its adhesion to that Treaty. Well, I do not know how the Australian Government did it—whether it brought it before the House of Representatives or not—and it does not matter to us, but do you mean that that is not a concurrence on the part of the Australian Government?

HON. W. M. HUGHES: It is because I wish to insure that treaties shall be treated like any other Bill, that they shall be statute law.

THE CHAIRMAN: Do you mean to say, with regard to the past, you regard them as not binding?

HON. W. M. HUGHES: I do not say that. But I wish to prevent anything binding in the future.

THE CHAIRMAN: Very well, if that is perfectly clear it does not matter to us. I thought you were drawing a distinction between what has been done by the executive.

HON. W. M. HUGHES: I merely say, in the future a treaty shall have the force of law; that it shall not conflict with the law—that it shall be, in fact, the law.

MR. COX: That is what it is in the United States, I understand.

HON. DUGALD THOMSON: Why not use the word "adhere" in one case and "concur" in the other.

HON. W. M. HUGHES: No, because that will cover treaties made prior to this amendment. But I am speaking here of treaties that may be made prior to the introduction of a statute to give them effect in law as well as to those treaties which may subsequently to that time be