

2 June, 1911.]

NAVIGATION LAW.

[4th Day.

Mr. BRODEUR—*cont.*

made without the matter being referred to the Imperial Government. Our legislation is in a sort of chaos, especially since the revision of the Imperial Merchant Shipping Act by the Act of 1894. In 1894 you have virtually incorporated in legislation the same provisions as the ones which existed before under the Act of 1854, so much so that by the different amendments that were being made from 1867 to 1894 amendments were concurred in by the Imperial Government, and we find to-day that this legislation has been overridden by the provisions of the Act of 1894. That means to say that legislation which has been concurred in by the Imperial Government from 1867 to 1894 is now absolutely null on account of the provisions of the Act of 1894.

That puts us in a very awkward situation. I may quote a case which I have in my mind now with regard to the liability in the case of collisions. We have embodied in our statute the provisions of the Act of 1854. Later, by the Act of 1894, this provision has been changed with regard to collisions, and now the provisions of the Act of 1894 are overriding the provisions of our own Act, which had been simply a copy of the Imperial Merchant Shipping Act.

I did not know this question would come up this morning, because I thought it might come up more in the discussion of the Merchant Shipping Act as embodied in the resolution proposed made by New Zealand. But I think in those cases the Imperial Merchant Shipping Act should be amended in such a way that the Dominions should be given absolute power to deal with the question. In the cases where the Governments have not dealt with the question the Imperial Merchant Shipping Act might apply. Instead of declaring, as it has been declared in several of the provisions of the Merchant Shipping Act, that it will apply to the Dominions, it might be stated that the Imperial Merchant Shipping Act should apply in cases where no legislation has been passed by the Dominions; but where legislation has been passed by the Dominions I think that legislation should be considered as being absolutely of force and effect.

Sir JOSEPH WARD: I prefer to wait, as has been suggested by Mr. Brodeur, until we come to the motion dealing with the shipping; but I would like to say, on the point referred to by Mr. Pearce as to pressure being brought to bear on the oversea Governments, that that is not the experience of New Zealand. In fact, I think there must be a misapprehension, because we have worked together at the Navigation Conference with a view to assimilating our shipping laws, and our practice in New Zealand is to send an outline to the Home authorities of any new law on the subject that we contemplate submitting to Parliament, for it is desirable upon points upon which the Imperial Merchant Shipping Act would be in conflict with what we are doing that we should know beforehand in what direction the British authorities can assent to our legislation. I want to make it quite clear that we do not accept the kind of intimation conveyed by them as any direction to us that we should not submit legislation on any lines we think proper; but we are, all the same, very glad to know where the conflict may arise, and in what direction we may, as far as it is possible for us to do so, avoid the conflict.

I hold very strongly the view that we should have wider powers than exist at present in dealing with the important proposal that is submitted by Mr. Fisher and spoken to by Mr. Pearce. We have in our country to deal with the condition of the men who are on board our ships under a system that suits our requirements very well indeed. Unlike the officers and men on board British ships, under our system of settling their rates of wages, the salaries, the ordinary rates of pay and the conditions under which they work are very different in many respects from what they are in the Old Country, and we require to have a broadening of the law to enable us to meet the requirements of our own people under the special circumstances in which we find ourselves.

We require to have a uniformity of law if we can get it, but I certainly think we require to have more power and not so much difficulty in obtaining assent to such measures as we seek now which meet the special requirements of our country. As to the delays and the difficulty of obtaining the assent, I am not saying that those delays that took place were not warranted on account of