

6th Day.]

RECIPROCITY DESTITUTE PERSONS LAW.

[9 June, 1911.]

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“That in order to relieve both wives and children and the poor relief burdens of the United Kingdom and her dependencies, reciprocal provisions should be made throughout the constituent parts of the Empire with respect to destitute and deserted persons.”

Sir JOSEPH WARD : I move the resolution herein, and Dr. Findlay will speak to it.

Dr. FINDLAY : You will observe that the resolution refers to wives and children, and I want to make this first opportunity of saying that it was not intended to include bastardy orders, or what we call officially affiliation orders. I make that observation because in the comment which appears in this book of memoranda, objection is taken to the application of such principle as is here suggested to bastardy orders.

That was not the intended scope of this resolution, and with that observation I desire to say a word as to what its real meaning is. What we feel in New Zealand—and I think I am entitled to speak for Australia, because I have been in communication with the Attorney-General of Australia, Mr. Hughes—is that there is not sufficient reciprocity in connection not only with these orders under our Destitute Persons Act, but in connection with many other orders made by the courts here or by the courts there, which in our view should have some kind of operation and effect throughout the whole Empire. The United Kingdom itself, as you will observe, has asked us to consider the expediency of allowing a wider operation to awards made under an arbitration, showing that the people here realise that there is not sufficient imperial scope given to legal processes to have them properly conducted to a proper conclusion. The situation at present is exceedingly anomalous, and often surprising. If a man deserts his wife in London and comes to New Zealand and prospers there he cannot be proceeded against. There is no means under the existing law by which a wealthy man in New Zealand can be made to contribute to the support of his starving wife and children in England unless you proceed very much by the method of extradition, that is, take proceedings, the man being dealt with under the Fugitive Offenders Act in New Zealand in much the same way as you would do if he had gone to France, and have him brought back from there at enormous expense, because you have to send a man from here to identify him. He has to be brought before the courts there, and an order has to be made which resembles an Extradition Order, and he has to be brought over here. If he is in employment in New Zealand, it means his prospects of earning a living are ruined, and you get a situation no better than when he started—he is indigent, and the wife and children are indigent too. If a man deserts his wife and children in New Zealand and comes to England, precisely the same difficulty is met with. We have no means of coming to England and attacking the purse of a wealthy deserting husband or father and making him contribute, unless we go to the expense, and risks incident to it, of bringing him back to New Zealand. That, I think, illustrates an anomaly. If he had gone to Ireland, an entirely different procedure would have been followed; if he had gone to Scotland, an entirely different procedure would have been followed, because there is operation given to writs, judgments, and orders in Ireland and Scotland.

The whole matter really wants to be made uniform: the fact that a different law would apply if he deserted to Ireland than to Canada or to Australia, suggests that something might be done to introduce a more intelligent and uniform system.

Mr. BRODEUR : I suppose the wife who had been deserted could take civil proceedings against him in New Zealand?

Dr. FINDLAY : No, that is the very point I am making, that a Dominion like New Zealand has no power to punish or to deal with any matter which took place outside its borders.