

Mr. BUXTON—*cont.*

put before the Conference the views that we hold here in reference to the matter, and under those circumstances I hope Sir Joseph Ward may possibly see his way not to press the resolution.

Sir JOSEPH WARD: Mr. Harcourt, I may say that I have listened with a very great deal of interest to the important speech delivered by Mr. Buxton. May I be allowed just to say that I want to make quite clear the reason for this resolution, and I say this because Mr. Malan, of South Africa, apparently was under the impression that this resolution was intended to deal with a racial matter, and that while the trouble in New Zealand was labour, the resolution did not meet the latter position. I would like to say, with all deference to Mr. Malan, that a resolution of this sort is necessary to enable us to give effect to what the labour conditions of our country require. The Bill, which will be found in the Blue Book which has been presented to the House of Commons submitted by New Zealand, contains clauses the effect of the inclusion of which necessitated the withholding of the Bill for the Royal Assent, so that unless there is power for the overseas Dominions people to legislate on matters of the kind, I am afraid considerable difficulty will stand in the way.

I want to say here that I propose to put on record what the powers of the overseas Dominions are in connection with shipping matters, because my friend Sir Wilfrid Laurier, in the speech he delivered to the Conference, expressed the opinion that they had the power in Canada to do what we are seeking to obtain. I am inclined to think that all our powers are alike, and I want to state what the legislation upon the matter is. The powers of the British Possessions to legislate on shipping matters are conferred by Sections 735 and 736 of the Imperial Merchant Shipping Act, 1894. These sections are as follows: "735.—(1) The Legislature of any British Possession may by any Act or Ordinance, confirmed by Her Majesty in Council, repeal, wholly or in part" (it requires to be confirmed in the first instance, and then we can repeal wholly or in part) "any provisions of this Act (other than those of the Third Part thereof, which relates to emigrant ships) relating to ships registered in that Possession; but any such Act or Ordinance shall not take effect until the approval of Her Majesty has been proclaimed in the Possession or until such time thereafter as may be fixed by the Act or Ordinance for the purpose. (2) Where any Act or Ordinance of the Legislature of a British Possession has repealed in whole or in part as respects that Possession any provision of the Acts repealed by this Act, that Act or Ordinance shall have the same effect in relation to the corresponding provisions of this Act as it had in relation to the provision repealed by this Act. 736. The Legislature of a British Possession may, by an Act or Ordinance, regulate the coasting trade of that British Possession, subject in every case to the following conditions:—(a) The Act or Ordinance shall contain a suspending clause providing that the Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British Possession in which it has been passed: (b) the Act or Ordinance shall treat all British ships (including the ships of any other British Possession) in exactly the same manner as ships of the British Possession in which it is made; (c) where by treaty made before the passing of the Merchant Shipping (Colonial) Act, 1869 (that is to say, before the thirteenth day of May, eighteen hundred and sixty-nine) Her Majesty has agreed to grant to any ships of any foreign State any rights or privileges in respect of the coasting trade of any British Possession, those rights and privileges shall be enjoyed by those ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or Ordinance to the contrary notwithstanding." It will be seen therefore that the powers are restricted to the repeal of certain provisions of the Imperial Merchant Shipping Act relating to ships registered in the Possession, and to the regulation of the coasting trade. Even in these two matters the Colonial Acts are not to come into force until assented to by His Majesty. I want to direct attention to what the general law is.

This Resolution consequently is intended to give us wider powers than are contained in the Imperial Merchant Shipping Act to which I have just referred, and in the case of the trouble existing in New Zealand, without the power to amend our law to meet our particular purposes, concerning which the Royal Assent is withheld in the meantime to that Bill which has passed through both branches of the Legislature in New Zealand, then we are powerless to meet