

(e) MERCHANT SHIPPING.

The report of the Conference of 1929 dealt at considerable length (paragraphs 83 to 109) with Merchant Shipping legislation and the following paragraphs of that report should be referred to here :—

93. The new position* will be that each Dominion will, amongst its other powers, have full and complete legislative authority over all ships while within its territorial waters or engaged in its coasting trade : and also over its own registered ships both intra-territorially and extra-territorially. Such extra-territorial legislation will, of course, operate subject to local laws while the ship is within another jurisdiction.

94. The ground is thus cleared for co-operation amongst the members of the British Commonwealth of Nations on an equal basis in those matters in which practical considerations call for concerted action. This concerted action may take the form of agreements, for a term of years, as to the uniformity of laws throughout the British Commonwealth of Nations : as to the reciprocal aid in the enforcement of laws in jurisdictions within the British Commonwealth outside the territory of the enacting Parliament ; and as to any limitations to be observed in the exercise of legislative powers.

Recommendations.

95. As shipping is a world-wide interest, in which uniformity is from the nature of the case desirable, there is a strong presumption in favour of concerted action between the members of the British Commonwealth in shipping matters, but this concerted action must from its nature result from voluntary agreements by the members of the Commonwealth : it should be confined to matters in which concerted action is necessary or desirable in the common interest : it should be sufficiently elastic to permit of alterations being made from time to time as experience is gained ; and it must not prevent local matters being dealt with in accordance with local conditions. The kind of agreement which we have in mind in making our recommendations is one extending over a fixed period of years, and providing for revision from time to time.

96. It would be difficult, and is not necessary, at the present stage to frame a complete list of the shipping questions on which uniformity is desirable ; but certain matters stand out clearly, and we submit the following recommendations with regard to them.

Then followed a statement of the outstanding points on which uniformity was desirable.

A draft of an agreement covering these points was this year prepared in the United Kingdom and circulated to the Dominions. The Conference examined this draft agreement very closely, and came to the conclusion that, with certain alterations, it meets fully and satisfactorily the objects which Part VI of the 1929 report had in view. The draft agreement as altered is shown in the annex to Section VI (pages 18 to 21).

The draft contains, in the form of an agreement which is flexible but as precise as the subject-matter will allow, a statement of the matters in which, after examination in two successive years by representatives of the Governments concerned, it is considered that concerted action on a voluntary basis between the parts of the Commonwealth is essential in the common interest, together with the broad principles which should be followed in dealing with those matters. The Conference recommended that the agreement be made.

The agreement presupposes that the legislation contemplated by the 1929 report has been passed, and that it should come into operation at the same time as that legislation.

It was pointed out that clause 9 of the draft agreement did not make satisfactory provision for ships whose owners had their principal place of business in one part of the Commonwealth and traded the ships regularly to and from that part, but, in order to avoid the conditions imposed by the laws of that part, registered the vessels in another part of the Commonwealth to which they did not trade. The Conference agreed that the point was one which required careful consideration. The agreement as originally drafted will enable all safety regulations to be applied to such ships and to some extent the provisions as to ships' articles also. A further clause has been inserted meeting the situation as regards discipline, but it was thought that it would be unwise to attempt to make further alterations in the draft agreement.

Canada reserves the right, when signing the agreement, to declare the extent, if any, to which the provisions of the agreement, other than those of Part I, shall not apply to ships navigating the Great Lakes of North America.

* *I.e.*, the position which will arise after legislation has been enacted on the lines indicated in Section (a) above.