

REPORT OF PROCEEDINGS OF THE CONFERENCE.

HON. DUGALD THOMSON: Say, "which operates in regard to vessels usually trading in that possession"; that includes everything.

MR. LLEWELLYN SMITH: You have only come to the end of the preamble; then the operative part remains which states that "vessels coming into a final port of destination in that possession or clearing outwards from any port therein"—that is an immense extension.

MR. NORMAN HILL: Following your suggestion and going in steps, all Sir Joseph Ward's suggestion amounts to is that we leave out the word "registered." We want to concede that they have the right. The other point is if you use the word "registered" and confer the right on the Commonwealth to legislate with regard to all vessels that are registered without regard to the trade those vessels are in, you may get into difficulties, because those vessels in other waters might be under no law at all. Don't we meet the point by leaving out the word "registered" and making our first-class "vessels which are usually engaged in the coastal trade whilst they are engaged?"

SIR WILLIAM LYNE: I do not like the word "usually."

HON. W. M. HUGHES: I want to suggest this: "That the law of any British possession which operates with regard to vessels (a) registered in that possession whilst trading therein, (b) to vessels, wherever registered, whilst trading therein, (c) to all vessels, wherever registered, carrying cargo or passengers from any one port of that possession to another whilst within territorial waters."

SIR WILLIAM LYNE: The proposal Mr. Thomson suggested covers everything.

HON. W. M. HUGHES: Mine gives the Conference an opportunity of affirming (a), affirming (b), and affirming or rejecting (c).

HON. DUGALD THOMSON: It applies to vessels trading on the coast of those possessions.

MR. NORMAN HILL: Mr. Chairman, could we not follow your suggestion? We are all agreed "that the laws of any British possession shall operate in regard to"; we are all agreed so far as that is concerned. Then, as you suggest, let us fill in the classes. Cannot we say (a) all vessels engaged in the coastal trade of that possession? Let us take them one at a time.

HON. W. M. HUGHES: That is what I am suggesting.

MR. LLEWELLYN SMITH: Your class (c) was "to all vessels, wherever registered, carrying cargo or passengers from any one port to another of that possession whilst within territorial waters."

HON. W. M. HUGHES: First of all, I say with regard to vessels registered, our jurisdiction extends on them in the territorial waters, and so far as I know outside them. Anyhow, that is a matter of opinion. With regard to the second class, the same thing applies. With regard to the third class—

MR. LLEWELLYN SMITH: I do not know what you mean by the second class.

HON. W. M. HUGHES: That is the class Mr. Cunliffe was speaking of. We have plenty of vessels registered in Glasgow and trading on the coast continuously. They come here and they still keep their Glasgow register.

MR. LLEWELLYN SMITH: What is the difference between (b) and (c)?

HON. W. M. HUGHES: The second class of vessels that continuously engage in coasting and doing nothing else. I do not say "usually coasting" or "continuously trading"; as a matter of fact, they do not do anything else.

SIR WILLIAM LYNE: I think Mr. Hughes is complicating the whole thing.

HON. W. M. HUGHES: That is your opinion.

HON. DUGALD THOMSON: Why not take the simple resolution which covers the other without going into details?

HON. W. M. HUGHES: I know what vessels are trading there.

SIR WILLIAM LYNE: It is all covered by the resolution.

HON. W. M. HUGHES: Your resolution is such that it is impossible to distinguish between one class and another.

SIR WILLIAM LYNE: It is like a covering blanket.

HON. W. M. HUGHES: It is like a number of fleas in a blanket which covers everything.

MR. LLEWELLYN SMITH: I think substantially there is not much difference of opinion; when we get into substantial agreement I think we can see the exact form in which we can cast our final resolution, but I want to see how far there is any real difference of opinion putting aside the question of whether the wording of one resolution is better than another. We are all agreed with regard to vessels which are registered in the Colony while trading there; we are all agreed about that. Then vessels not registered in the Colony, but habitually—

HON. W. M. HUGHES: I did not say "habitually."

MR. LLEWELLYN SMITH: This is not a question of language; what I am trying to see is what you mean.

SIR WILLIAM LYNE: I do not mean that. I mean to say, if a tramp comes down and takes a cargo from one end of Australia to another, but does not *usually*—that is what I mean, I do not like the word "usually."

HON. W. M. HUGHES: That comes under the third class.

MR. LLEWELLYN SMITH: I want to see whether we are all agreed. Let us try and get to agreement, and then we will edit the thing afterwards.

SIR WILLIAM LYNE: I am quite agreeable to that.

MR. LLEWELLYN SMITH: I want to see whether it is a difference of substance, or only words. Mr. Hughes suggests—"to all vessels, wherever registered, carrying cargo or passengers from one port to another of that possession whilst in territorial waters," and these three classes (a), (b), and (c) added together collectively represent what Sir William Lyne has in his mind.

HON. W. M. HUGHES: In one respect Sir William Lyne does not go far enough; a class of vessels will escape. There is a hole in your blanket. "That shall also operate in regard to vessels coming into a final port of destination." A vessel comes into Fremantle, that is not her final port; she takes up cargo or passengers, and she takes them to Adelaide, that is not her final port. If she goes on further, she is not trading.

HON. DUGALD THOMSON: This goes further still; it includes all English vessels that call at Australia.

HON. W. M. HUGHES: I think what we ought to have done first of all is to define what we call trading.

HON. DUGALD THOMSON: We differ most when we agree apparently.

MR. LLEWELLYN SMITH: What is trading?

HON. W. M. HUGHES: I ask you. My idea is this. I will take the Orient. The Orient may decline to carry cargo, and practically neither they nor the P. & O. do carry cargo between ports; they carry passengers, but not cargo. Now, if trading is carrying cargo, then neither of these would come under this section. If carrying passengers is trading, then both would. Now the Royal Commission made a recommendation which was to the effect that the conditions in the section dealing with coasting trade should not apply pending the construction of the Trans-Continental Railway—and Sir William Lyne will be able to tell you when this is likely to take place—should not apply to such ships. Now, we do not want it applied to those ships, but under this proposal there is no difference made between taking passengers from Fremantle to Albany or Adelaide, and competing by the carrying of cargo with the Inter-State companies.

SIR WILLIAM LYNE: Surely we have power to exempt those vessels without coming to this Conference?