

(f) DEFENCE QUESTIONS.

(i) *Discipline of the Armed Forces.*

In the very short time at the disposal of the Conference it was impossible to do more than examine some aspects of the practical problems which will be involved in the carrying-out of the recommendations contained in paragraph 44 of the Report of the Conference on the Operation of Dominion Legislation.

It is assumed that all Governments will desire to take such action as may be necessary to secure (1) that the military discipline of any of the armed forces of the Commonwealth when present, by consent, within territory of another rests upon a statutory basis, and (2) that there shall be no period of time during which the legal basis of military discipline could on any ground be impeached.

The method by which the above two objects can best be attained must necessarily be a matter for the Governments themselves.

As the action to be taken to give effect to the recommendations contained in paragraph 44 of the Report of the Conference on the Operation of Dominion Legislation is likely to take some time, it was agreed that all the Governments concerned will take such steps as may be necessary to provide against possible difficulties during that period.

(ii) *Prize Law and Procedure.*

In the time at the disposal of the Conference it was impossible to examine any questions relating to prize law and procedure, a subject which was mentioned in paragraph 80 of the 1929 report. This matter, though one of paramount importance in certain contingencies, may happily be regarded as not being of any urgency at the present time. Accordingly the Conference recommended that it should be the subject of further consideration by the Governments at their leisure, and that in the meantime, pending such consideration, it should be agreed that the *status quo* will be preserved.

(g) APPOINTMENT OF GOVERNORS-GENERAL.

The report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926 declared that the Governor-General of a Dominion is now the "representative of the Crown, holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain, and that he is not the representative or agent of His Majesty's Government in Great Britain or of any Department of that Government."

The report did not, however, contain any recommendation as to the procedure to be adopted henceforward in the appointment of a Governor-General, and the Conference felt it necessary to give some consideration to this question.

Having considered the question of the procedure to be observed in the appointment of a Governor-General of a Dominion in the light of the alteration in his position resulting from the resolutions of the Imperial Conference of 1926, the Conference came to the conclusion that the following statements in regard thereto would seem to flow naturally from the new position of the Governor-General as representative of His Majesty only :—

(1) The parties interested in the appointment of a Governor-General of a Dominion are His Majesty the King, whose representative he is, and the Dominion concerned.

(2) The constitutional practice that His Majesty acts on the advice of responsible Ministers applies also in this instance.

(3) The Ministers who tender and are responsible for such advice are His Majesty's Ministers in the Dominion concerned.

(4) The Ministers concerned tender their formal advice after informal consultation with His Majesty.

(5) The channel of communication between His Majesty and the Government of any Dominion is a matter solely concerning His Majesty and such Government. His Majesty's Government in the United Kingdom have expressed their willingness to continue to act in relation to any of His Majesty's Governments in any manner in which that Government may desire.

(6) The manner in which the instrument containing the Governor-General's appointment should reflect the principles set forth above is a matter in regard to which His Majesty is advised by His Ministers in the Dominion concerned.