

Abstract

A Critical Appraisal of Canadian Liner Shipping Legislation and Policy

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This thesis is a critical appraisal of Canadian policy and legislation as it relates to the liner shipping industry. Particular attention is paid to the economic justification of exempting cartels from the antimonopoly provisions of Canada's Competition Act (1986), something permitted by the Shipping Conferences Exemption Act (1987). To this end, the thesis examines the historical circumstances that resulted in this policy position, and emphasizes the contrast that traditionally has existed between Canadian and American policy and legislation. The reasons behind a recent convergence between American and Canadian policy is also investigated.

The desirability of continuing to exempt shipping cartels from the Competition Act is evaluated by investigating the economic functioning and market performance of the liner industry. This analysis suggests that there is little to be gained from a continuation of existing policy, and that national welfare could be enhanced through exposing cartels to the antimonopoly provisions of the Competition Act.