

*Navigable Waters Protection Act*

**Mr. Fleming:** There is no punctuation there. You are talking about a man "who has died for any period prior to the date of death". I suggest, Mr. Chairman, that if anybody in this house were to sit down and draft this in this form he would not be very happy about it. I suggest also, Mr. Chairman, that what we really mean is in the form in which I have made the suggestion as to the rewording of this clause. As it stands now, without any punctuation, without any qualification of this language, it is just very poor composition and very poor English.

Amendment agreed to.

Clause as amended agreed to.

Clauses 14 to 17 inclusive agreed to.

On clause 18.

**Mr. Bennett:** I understand that the Minister of Finance is prepared to move an amendment to clause 18.

**Mr. Abbott:** I move:

That clause 18 be amended by substituting the word "May" for the word "January" in the fourth line of paragraph (a) and in the fourth line of paragraph (b) of subsection (1) of section 74 of the Pension Act as proposed to be enacted by the said clause 18.

Amendment agreed to.

Clause as amended agreed to.

Clause 19 agreed to.

Schedule agreed to.

Title agreed to.

Bill reported, read the third time and passed.

### NAVIGABLE WATERS PROTECTION ACT

#### RECOVERY OF COST OF MARKING OR REMOVING WRECK—SEAMEN'S SECURITY REGULATIONS

**Hon. Stuart S. Garson (for the Minister of Transport)** moved the second reading of Bill No. 471, to amend the Navigable Waters Protection Act.

**Mr. Drew:** Is the minister going to make any statement in connection with this?

**Mr. L. Langlois (Parliamentary Assistant to the Minister of Transport):** As hon. members know, this bill comes to us from the other place, where it was passed without amendment. The Navigable Waters Protection Act, like ancient Gaul, is divided into three parts. The administration of part II of the act which deals with the removal of obstructions to navigation is placed under the Minister of Transport.

At present the act provides for the removal or destruction of any wreck, vessel or other thing that constitutes or is likely to cause

an obstruction to the navigation of any navigable water. By section 14 of the act, if navigation is obstructed by a wreck, the minister may cause the wreck to be removed or destroyed. By section 15 he may convey the wreck or its cargo to a convenient place and there sell it at public auction or otherwise as he deems most advisable, applying the proceeds of the sale against the removal expenses and paying any surplus to the owner. By section 16 the minister is authorized to recover the cost of placing signals and removing the wreck from the owner, master or person in charge of the vessel, or the person responsible for causing the obstruction.

As hon. members will recall, by certain decisions of the courts, the right of the crown to recover the cost of removing obstructions to navigation has been restricted to cases where the wreck has been conveyed to a place and there sold. It has been held that the sale of the property removed as an obstruction to navigation is a condition precedent to the recovery of the expenses of removal, unless there is nothing which can be sold. This restrictive interpretation is unduly onerous on the department which, in these cases, endeavours to find the most economical way of removing the obstacle.

It frequently happens that a wreck can more easily and with greater economy be demolished in place or removed and sunk at some suitable location without going to the heavy expense of having the wreck raised and towed to a port or place where it can be offered for sale. In many cases the salvage would not cover the expenditure.

The amendment to section 16 of the act as proposed in this bill provides that the minister may recover the cost of marking, removing or destroying any wreck, vessel or other thing causing an obstruction to navigation, from the owner, master or person in charge of the vessel, or from the person responsible for the obstruction, without the necessity of having the wreck sold. In any case, where a sale of the salvage is made, the owner or person entitled to the property would be credited with the surplus of the proceeds resulting from the sale after deducting the expenses of the department in connection with the removal of the wreck.

Now, Mr. Speaker, I wish to make a brief statement in connection with the new part IV of the act, as proposed in the bill at present before us, and I would like to draw to the attention of hon. members the fact that this new part deals with the emergency regulations for the security of the great lakes and upper St. Lawrence navigation system. Since these come within the

[Mr. Abbott.]