

Mr. OZERE: On that one there is the Fisheries Act of British Columbia which provides that no processing on floating vessels shall be carried out within the territorial waters of British Columbia. This Act was passed after the case in 1929 when the Privy Council decided that as far as the industrial processing of fish goes, with which this law is concerned, it is a matter of property and civil rights; therefore the province does have the jurisdiction to legislate. But whether the province has the power to legislate with respect to territorial waters is a question which is very much in doubt. However, the legislation is on the British Columbia statute books and it has never been challenged, so it stands. But in this case "fishing vessel" is described for the purpose of keeping out foreign fishing vessels. And the other provisions of British Columbia apply to any vessel, naturally. Foreign fishing vessels are defined as including processing vessels, and they also would not be allowed in the waters; so there is a double protection there, if you like, because the provincial legislation prohibits any floating processing vessel, and this legislation also keeps out foreign processing vessels.

Mr. GIBSON: To be an owner of a fishing vessel, one does not have to be a British subject. The owner of a Canadian fishing vessel can be domiciled or resident in Canada but does not have to be a British subject.

Mr. OZERE: That is correct. You might have a situation where somebody from the United States has come over to live in Canada.

Mr. GIBSON: Or somebody from Japan?

Mr. OZERE: Suppose he is living here and he gets a little fishing vessel. The regulations may require that the license be granted only to a British subject; and, as in the case of the British Columbia regulations, although he would not be allowed to get a license, he would be allowed to use his vessel in our waters for any purpose that is legitimate.

Mr. GIBSON: But have we given consideration to that aspect of the matter?

Mr. OZERE: In so far as British Columbia is concerned, no fishing license is issued to anyone except a British subject. Therefore, he would not be permitted under the regulations to fish.

Mr. GIBSON: But he could own the boat while not fishing it himself?

Mr. OZERE: That is right, but on the east coast we have no such regulations. And therefore, anybody living on the east coast, if he is a *bona fide* resident of Canada and has a permanent home there, would be entitled to fish, because there is no citizenship requirements as in British Columbia.

Mr. STICK: What would be the case with a person who is not a British subject but who takes out Canadian registration for a fishing boat? Would he be permitted to use it in the fisheries?

Mr. OZERE: Under Canadian law only a British subject who owns a British ship can register that ship. That is, you could not register your ship unless you were a British subject. But you do not need to be a British subject resident in Canada.

Mr. MACLEAN: Under what circumstances can a foreign-owned vessel be registered in Canada? Is that possible?

Mr. OZERE: No, I do not think it is possible. It has to be owned by a British subject under the provisions of the Canada Shipping Act.

Mr. GIBSON: Could I have a floating marine processing plant, let us say, in British Columbia, for processing kelp, or would that be precluded?

Mr. OZERE: As far as the Canadian vessel is concerned?

Mr. GIBSON: Yes.